

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2127

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IN THE SENATE OF THE UNITED STATES

AUGUST 7 (legislative day, JULY 10), 1995

Received; read twice and referred to the Committee on Appropriations

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## AN ACT

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any  
2 money in the Treasury not otherwise appropriated, for the  
3 Departments of Labor, Health and Human Services, and  
4 Education, and related agencies for the fiscal year ending  
5 September 30, 1996, and for other purposes, namely:

6 TITLE I—DEPARTMENT OF LABOR

7 EMPLOYMENT AND TRAINING ADMINISTRATION

8 TRAINING AND EMPLOYMENT SERVICES

9 For expenses necessary to carry into effect the Job  
10 Training Partnership Act, as amended, including the pur-  
11 chase and hire of passenger motor vehicles, the construc-  
12 tion, alteration, and repair of buildings and other facili-  
13 ties, and the purchase of real property for training centers  
14 as authorized by the Job Training Partnership Act; title  
15 II of the Civil Rights Act of 1991; the Women in Appren-  
16 ticeship and Nontraditional Occupations Act; National  
17 Skill Standards Act of 1994; and the School-to-Work Op-  
18 portunities Act; \$3,180,441,000 plus reimbursements, of  
19 which \$2,936,154,000 is available for obligation for the  
20 period July 1, 1996 through June 30, 1997; of which  
21 \$148,535,000 is available for the period July 1, 1996  
22 through June 30, 1999 for necessary expenses of construc-  
23 tion, rehabilitation, and acquisition of Job Corps centers;  
24 and of which \$95,000,000 shall be available from July 1,  
25 1996 through September 30, 1997, for carrying out activi-

1 ties of the School-to-Work Opportunities Act: *Provided*,  
2 That \$50,000,000 shall be for carrying out section 401  
3 of the Job Training Partnership Act, \$65,000,000 shall  
4 be for carrying out section 402 of such Act, \$7,300,000  
5 shall be for carrying out section 441 of such Act,  
6 \$830,000,000 shall be for carrying out title II, part A of  
7 such Act, and \$126,672,000 shall be for carrying out title  
8 II, part C of such Act: *Provided further*, That no funds  
9 from any other appropriation shall be used to provide meal  
10 services at or for Job Corps centers.

11 COMMUNITY SERVICE EMPLOYMENT FOR OLDER

12 AMERICANS

13 To carry out title V of the Older Americans Act of  
14 1965, as amended, \$350,000,000.

15 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

16 For payments during the current fiscal year of trade  
17 adjustment benefit payments and allowances under part  
18 I, and for training, for allowances for job search and relo-  
19 cation, and for related State administrative expenses  
20 under part II, subchapters B and D, chapter 2, title II  
21 of the Trade Act of 1974, as amended, \$346,100,000, to-  
22 gether with such amounts as may be necessary to be  
23 charged to the subsequent appropriation for payments for  
24 any period subsequent to September 15 of the current  
25 year.

1 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT  
2 SERVICE OPERATIONS

3 For activities authorized by the Act of June 6, 1933,  
4 as amended (29 U.S.C. 49–49l–1; 39 U.S.C.  
5 3202(a)(1)(E)); title III of the Social Security Act, as  
6 amended (42 U.S.C. 502–504); necessary administrative  
7 expenses for carrying out 5 U.S.C. 8501–8523, and sec-  
8 tions 225, 231–235, 243–244, and 250(d)(1), 250(d)(3),  
9 title II of the Trade Act of 1974, as amended; as author-  
10 ized by section 7c of the Act of June 6, 1933, as amended,  
11 necessary administrative expenses under sections  
12 101(a)(15)(H), 212(a)(5)(A), (m) (2) and (3), (n)(1), and  
13 218(g) (1), (2), and (3), and 258(c) of the Immigration  
14 and Nationality Act, as amended (8 U.S.C. 1101 et seq.);  
15 necessary administrative expenses to carry out section  
16 221(a) of the Immigration Act of 1990, \$125,328,000, to-  
17 gether with not to exceed \$3,107,404,000 (including not  
18 to exceed \$1,653,000 which may be used for amortization  
19 payments to States which had independent retirement  
20 plans in their State employment service agencies prior to  
21 1980, and including not to exceed \$2,000,000 which may  
22 be obligated in contracts with non-State entities for activi-  
23 ties such as occupational and test research activities which  
24 benefit the Federal-State Employment Service System),  
25 which may be expended from the Employment Security

1 Administration account in the Unemployment Trust  
2 Fund, and of which the sums available in the allocation  
3 for activities authorized by title III of the Social Security  
4 Act, as amended (42 U.S.C. 502–504), and the sums  
5 available in the allocation for necessary administrative ex-  
6 penses for carrying out 5 U.S.C. 8501–8523, shall be  
7 available for obligation by the States through December  
8 31, 1996, except that funds used for automation acquisi-  
9 tions shall be available for obligation by States through  
10 September 30, 1998; and of which \$125,328,000, together  
11 with not to exceed \$738,283,000 of the amount which may  
12 be expended from said trust fund shall be available for  
13 obligation for the period July 1, 1996, through June 30,  
14 1997, to fund activities under the Act of June 6, 1933,  
15 as amended, including the cost of penalty mail made avail-  
16 able to States in lieu of allotments for such purpose, and  
17 of which \$216,333,000 shall be available only to the extent  
18 necessary for additional State allocations to administer  
19 unemployment compensation laws to finance increases in  
20 the number of unemployment insurance claims filed and  
21 claims paid or changes in a State law: *Provided*, That to  
22 the extent that the Average Weekly Insured Unemploy-  
23 ment (AWIU) for fiscal year 1996 is projected by the De-  
24 partment of Labor to exceed 2.785 million, an additional  
25 \$28,600,000 shall be available for obligation for every

1 100,000 increase in the AWIU level (including a pro rata  
2 amount for any increment less than 100,000) from the  
3 Employment Security Administration Account of the Un-  
4 employment Trust Fund: *Provided further*, That funds ap-  
5 propriated in this Act which are used to establish a na-  
6 tional one-stop career center network may be obligated in  
7 contracts, grants or agreements with non-State entities:  
8 *Provided further*, That funds appropriated under this Act  
9 for activities authorized under the Wagner-Peyser Act, as  
10 amended, and title III of the Social Security Act, may be  
11 used by the States to fund integrated Employment Service  
12 and Unemployment Insurance automation efforts, not-  
13 withstanding cost allocation principles prescribed under  
14 Office of Management and Budget Circular A-87.

15     ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND  
16                                     OTHER FUNDS

17         For repayable advances to the Unemployment Trust  
18 Fund as authorized by sections 905(d) and 1203 of the  
19 Social Security Act, as amended, and to the Black Lung  
20 Disability Trust Fund as authorized by section 9501(c)(1)  
21 of the Internal Revenue Code of 1954, as amended; and  
22 for nonrepayable advances to the Unemployment Trust  
23 Fund as authorized by section 8509 of title 5, United  
24 States Code, and section 104(d) of Public Law 102-164,  
25 and section 5 of Public Law 103-6, and to the “Federal

1 unemployment benefits and allowances'' account, to re-  
2 main available until September 30, 1997, \$369,000,000.

3 In addition, for making repayable advances to the  
4 Black Lung Disability Trust Fund in the current fiscal  
5 year after September 15, 1996, for costs incurred by the  
6 Black Lung Disability Trust Fund in the current fiscal  
7 year, such sums as may be necessary.

8 PROGRAM ADMINISTRATION

9 For expenses of administering employment and train-  
10 ing programs and for carrying out section 908 of the So-  
11 cial Security Act, \$83,505,000, together with not to ex-  
12 ceed \$40,974,000, which may be expended from the Em-  
13 ployment Security Administration account in the Unem-  
14 ployment Trust Fund.

15 PENSION AND WELFARE BENEFITS ADMINISTRATION

16 SALARIES AND EXPENSES

17 For necessary expenses for Pension and Welfare Ben-  
18 efits Administration, \$64,113,000.

19 PENSION BENEFIT GUARANTY CORPORATION

20 PENSION BENEFIT GUARANTY CORPORATION FUND

21 The Pension Benefit Guaranty Corporation is author-  
22 ized to make such expenditures, including financial assist-  
23 ance authorized by section 104 of Public Law 96-364,  
24 within limits of funds and borrowing authority available  
25 to such Corporation, and in accord with law, and to make  
26 such contracts and commitments without regard to fiscal

1 year limitations as provided by section 104 of the Govern-  
2 ment Corporation Control Act, as amended (31 U.S.C.  
3 9104), as may be necessary in carrying out the program  
4 through September 30, 1996, for such Corporation: *Pro-*  
5 *vided*, That not to exceed \$10,603,000 shall be available  
6 for administrative expenses of the Corporation: *Provided*  
7 *further*, That expenses of such Corporation in connection  
8 with the collection of premiums, the termination of pen-  
9 sion plans, for the acquisition, protection or management,  
10 and investment of trust assets, and for benefits adminis-  
11 tration services shall be considered as non-administrative  
12 expenses for the purposes hereof, and excluded from the  
13 above limitation.

14       EMPLOYMENT STANDARDS ADMINISTRATION

15                       SALARIES AND EXPENSES

16       For necessary expenses for the Employment Stand-  
17 ards Administration, including reimbursement to State,  
18 Federal, and local agencies and their employees for inspec-  
19 tion services rendered, \$246,967,000, together with  
20 \$978,000 which may be expended from the Special Fund  
21 in accordance with sections 39(c) and 44(j) of the  
22 Longshore and Harbor Workers' Compensation Act: *Pro-*  
23 *vided*, That the Secretary of Labor is authorized to accept,  
24 retain, and spend, until expended, in the name of the De-  
25 partment of Labor, all sums of money ordered to be paid



1 to the Secretary of Labor, in accordance with the terms  
2 of the Consent Judgment in Civil Action No. 91-0027 of  
3 the United States District Court for the District of the  
4 Northern Mariana Islands (May 21, 1992): *Provided fur-*  
5 *ther*, That the Secretary of Labor is authorized to estab-  
6 lish and, in accordance with 31 U.S.C. 3302, collect and  
7 deposit in the Treasury fees for processing applications  
8 and issuing certificates under sections 11(d) and 14 of the  
9 Fair Labor Standards Act of 1938, as amended (29  
10 U.S.C. 211(d) and 214) and for processing applications  
11 and issuing registrations under Title I of the Migrant and  
12 Seasonal Agricultural Worker Protection Act, 29 U.S.C.  
13 1801 et seq.

14 SPECIAL BENEFITS

15 (INCLUDING TRANSFER OF FUNDS)

16 For the payment of compensation, benefits, and ex-  
17 penses (except administrative expenses) accruing during  
18 the current or any prior fiscal year authorized by title 5,  
19 chapter 81 of the United States Code; continuation of ben-  
20 efits as provided for under the head “Civilian War Bene-  
21 fits” in the Federal Security Agency Appropriation Act,  
22 1947; the Employees’ Compensation Commission Appro-  
23 priation Act, 1944; and sections 4(c) and 5(f) of the War  
24 Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per  
25 centum of the additional compensation and benefits re-

1 quired by section 10(h) of the Longshore and Harbor  
2 Workers' Compensation Act, as amended, \$218,000,000  
3 together with such amounts as may be necessary to be  
4 charged to the subsequent year appropriation for the pay-  
5 ment of compensation and other benefits for any period  
6 subsequent to August 15 of the current year: *Provided*,  
7 That such sums as are necessary may be used under sec-  
8 tion 8104 of title 5, United States Code, by the Secretary  
9 to reimburse an employer, who is not the employer at the  
10 time of injury, for portions of the salary of a reemployed,  
11 disabled beneficiary: *Provided further*, That balances of re-  
12 imbursements unobligated on September 30, 1995, shall  
13 remain available until expended for the payment of com-  
14 pensation, benefits, and expenses: *Provided further*, That  
15 in addition there shall be transferred to this appropriation  
16 from the Postal Service and from any other corporation  
17 or instrumentality required under section 8147(c) of title  
18 5, United States Code, to pay an amount for its fair share  
19 of the cost of administration, such sums as the Secretary  
20 of Labor determines to be the cost of administration for  
21 employees of such fair share entities through September  
22 30, 1996: *Provided further*, That of those funds trans-  
23 ferred to this account from the fair share entities to pay  
24 the cost of administration, \$11,383,000 shall be made  
25 available to the Secretary of Labor for expenditures relat-

1 ing to capital improvements in support of Federal Employ-  
2 ees' Compensation Act administration, and the balance of  
3 such funds shall be paid into the Treasury as miscellane-  
4 ous receipts: *Provided further*, That the Secretary may re-  
5 quire that any person filing a notice of injury or a claim  
6 for benefits under Subchapter 5, U.S.C., chapter 81, or  
7 under subchapter 33, U.S.C. 901, et seq. (the Longshore  
8 and Harbor Workers' Compensation Act, as amended),  
9 provide as part of such notice and claim, such identifying  
10 information (including Social Security account number) as  
11 such regulations may prescribe.

12 BLACK LUNG DISABILITY TRUST FUND

13 (INCLUDING TRANSFER OF FUNDS)

14 For payments from the Black Lung Disability Trust  
15 Fund, \$995,447,000, of which \$949,494,000 shall be  
16 available until September 30, 1997, for payment of all  
17 benefits as authorized by section 9501(d) (1), (2), (4), and  
18 (7), of the Internal Revenue Code of 1954, as amended,  
19 and interest on advances as authorized by section  
20 9501(c)(2) of that Act, and of which \$26,045,000 shall  
21 be available for transfer to Employment Standards Ad-  
22 ministration, Salaries and Expenses, and \$19,621,000 for  
23 transfer to Departmental Management, Salaries and Ex-  
24 penses, and \$287,000 for transfer to Departmental Man-  
25 agement, Office of Inspector General, for expenses of oper-

1 ation and administration of the Black Lung Benefits pro-  
2 gram as authorized by section 9501(d)(5)(A) of that Act:  
3 *Provided*, That in addition, such amounts as may be nec-  
4 essary may be charged to the subsequent year appropria-  
5 tion for the payment of compensation, interest, or other  
6 benefits for any period subsequent to August 15 of the  
7 current year: *Provided further*, That in addition such  
8 amounts shall be paid from this fund into miscellaneous  
9 receipts as the Secretary of the Treasury determines to  
10 be the administrative expenses of the Department of the  
11 Treasury for administering the fund during the current  
12 fiscal year, as authorized by section 9501(d)(5)(B) of that  
13 Act.

14 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
15 SALARIES AND EXPENSES

16 For necessary expenses for the Occupational Safety  
17 and Health Administration, \$263,985,000 including not  
18 to exceed \$65,319,000 which shall be the maximum  
19 amount available for grants to States under section 23(g)  
20 of the Occupational Safety and Health Act, which grants  
21 shall be no less than fifty percent of the costs of State  
22 occupational safety and health programs required to be  
23 incurred under plans approved by the Secretary under sec-  
24 tion 18 of the Occupational Safety and Health Act of  
25 1970; and, in addition, notwithstanding 31 U.S.C. 3302,

1 the Occupational Safety and Health Administration may  
2 retain up to \$500,000 per fiscal year of training institute  
3 course tuition fees, otherwise authorized by law to be col-  
4 lected, and may utilize such sums for occupational safety  
5 and health training and education grants: *Provided*, That  
6 none of the funds appropriated under this paragraph shall  
7 be obligated or expended to prescribe, issue, administer,  
8 or enforce any standard, rule, regulation, or order under  
9 the Occupational Safety and Health Act of 1970 which  
10 is applicable to any person who is engaged in a farming  
11 operation which does not maintain a temporary labor  
12 camp and employs ten or fewer employees: *Provided fur-*  
13 *ther*, That no funds appropriated under this paragraph  
14 shall be obligated or expended to administer or enforce  
15 any standard, rule, regulation, or order under the Occupa-  
16 tional Safety and Health Act of 1970 with respect to any  
17 employer of ten or fewer employees who is included within  
18 a category having an occupational injury lost workday case  
19 rate, at the most precise Standard Industrial Classifica-  
20 tion Code for which such data are published, less than the  
21 national average rate as such rates are most recently pub-  
22 lished by the Secretary, acting through the Bureau of  
23 Labor Statistics, in accordance with section 24 of that Act  
24 (29 U.S.C. 673), except—

1           (1) to provide, as authorized by such Act, con-  
2           sultation, technical assistance, educational and train-  
3           ing services, and to conduct surveys and studies;

4           (2) to conduct an inspection or investigation in  
5           response to an employee complaint, to issue a cita-  
6           tion for violations found during such inspection, and  
7           to assess a penalty for violations which are not cor-  
8           rected within a reasonable abatement period and for  
9           any willful violations found;

10          (3) to take any action authorized by such Act  
11          with respect to imminent dangers;

12          (4) to take any action authorized by such Act  
13          with respect to health hazards;

14          (5) to take any action authorized by such Act  
15          with respect to a report of an employment accident  
16          which is fatal to one or more employees or which re-  
17          sults in hospitalization of two or more employees,  
18          and to take any action pursuant to such investiga-  
19          tion authorized by such Act; and

20          (6) to take any action authorized by such Act  
21          with respect to complaints of discrimination against  
22          employees for exercising rights under such Act:

23   *Provided further,* That the foregoing proviso shall not  
24   apply to any person who is engaged in a farming operation

1 which does not maintain a temporary labor camp and em-  
2 ploys ten or fewer employees.

3 MINE SAFETY AND HEALTH ADMINISTRATION

4 SALARIES AND EXPENSES

5 For necessary expenses for the Mine Safety and  
6 Health Administration, \$185,154,000, including purchase  
7 and bestowal of certificates and trophies in connection  
8 with mine rescue and first-aid work, and the hire of pas-  
9 senger motor vehicles; the Secretary is authorized to ac-  
10 cept lands, buildings, equipment, and other contributions  
11 from public and private sources and to prosecute projects  
12 in cooperation with other agencies, Federal, State, or pri-  
13 vate; the Mine Safety and Health Administration is au-  
14 thorized to promote health and safety education and train-  
15 ing in the mining community through cooperative pro-  
16 grams with States, industry, and safety associations; and  
17 any funds available to the Department may be used, with  
18 the approval of the Secretary, to provide for the costs of  
19 mine rescue and survival operations in the event of a  
20 major disaster: *Provided*, That none of the funds appro-  
21 priated under this paragraph shall be obligated or ex-  
22 pended to carry out section 115 of the Federal Mine Safe-  
23 ty and Health Act of 1977 or to carry out that portion  
24 of section 104(g)(1) of such Act relating to the enforce-  
25 ment of any training requirements, with respect to shell

1 dredging, or with respect to any sand, gravel, surface  
2 stone, surface clay, colloidal phosphate, or surface lime-  
3 stone mine.

4 BUREAU OF LABOR STATISTICS

5 SALARIES AND EXPENSES

6 For necessary expenses for the Bureau of Labor Sta-  
7 tistics, including advances or reimbursements to State,  
8 Federal, and local agencies and their employees for serv-  
9 ices rendered, \$296,993,000, of which \$11,549,000 shall  
10 be for expenses of revising the Consumer Price Index and  
11 shall remain available until September 30, 1997, together  
12 with not to exceed \$50,220,000, which may be expended  
13 from the Employment Security Administration account in  
14 the Unemployment Trust Fund.

15 DEPARTMENTAL MANAGEMENT

16 SALARIES AND EXPENSES

17 For necessary expenses for Departmental Manage-  
18 ment, including the hire of three sedans, and including  
19 up to \$4,056,000 for the President's Committee on Em-  
20 ployment of People With Disabilities, \$134,220,000; to-  
21 gether with not to exceed \$303,000, which may be ex-  
22 pended from the Employment Security Administration ac-  
23 count in the Unemployment Trust Fund.

24 WORKING CAPITAL FUND

25 The language under this heading in Public Law 85-  
26 67, as amended, is further amended by adding the follow-



1 ing before the last period: “: *Provided further*, That within  
2 the Working Capital Fund, there is established an Invest-  
3 ment in Reinvention Fund (IRF), which shall be available  
4 to invest in projects of the Department designed to  
5 produce measurable improvements in agency efficiency  
6 and significant taxpayer savings. Notwithstanding any  
7 other provision of law, the Secretary of Labor may retain  
8 up to \$3,900,000 of the unobligated balances in the De-  
9 partment’s annual Salaries and Expenses accounts as of  
10 September 30, 1995, and transfer those amounts to the  
11 IRF to provide the initial capital for the IRF, to remain  
12 available until expended, to make loans to agencies of the  
13 Department for projects designed to enhance productivity  
14 and generate cost savings. Such loans shall be repaid to  
15 the IRF no later than September 30 of the fiscal year  
16 following the fiscal year in which the project is completed.  
17 Such repayments shall be deposited in the IRF, to be  
18 available without further appropriation action.”

19 ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT  
20 AND TRAINING

21 Not to exceed \$175,883,000 may be derived from the  
22 Employment Security Administration account in the Un-  
23 employment Trust Fund to carry out the provisions of 38  
24 U.S.C. 4100–4110A and 4321–4327, and Public Law

1 103–353, and which shall be available for obligation by  
2 the States through December 31, 1996.

3 OFFICE OF INSPECTOR GENERAL

4 For salaries and expenses of the Office of Inspector  
5 General in carrying out the provisions of the Inspector  
6 General Act of 1978, as amended, \$44,426,000, together  
7 with not to exceed \$3,615,000, which may be expended  
8 from the Employment Security Administration account in  
9 the Unemployment Trust Fund.

10 GENERAL PROVISIONS

11 SEC. 101. None of the funds appropriated in this title  
12 for the Job Corps shall be used to pay the compensation  
13 of an individual, either as direct costs or any proration  
14 as an indirect cost, at a rate in excess of \$125,000.

15 SEC. 102. Section 427(c) of the Job Training Part-  
16 nership Act, as amended, is repealed.

17 SEC. 103. No amount of funds appropriated in this  
18 Act for fiscal year 1996 may be used to implement, admin-  
19 ister, or enforce any executive order, or other rule or  
20 order, that prohibits Federal contracts with, or requires  
21 the debarment of, or imposes other sanction on, a contrac-  
22 tor on the basis that such contractor or organizational  
23 unit thereof has permanently replaced lawfully striking  
24 workers.

1        SEC. 104. None of the funds made available in this  
2 Act to the Department of Labor or the Pension Benefit  
3 Guaranty Corporation may be used—

4            (1) to implement or administer Interpretive  
5 Bulletin 94-1, issued by the Secretary of Labor on  
6 June 23, 1994 (59 Fed. Reg. 32606; 29 C.F.R.  
7 2509.94-1),

8            (2) to establish or maintain, or to contract with  
9 (or otherwise provide assistance to) any other party  
10 to establish or maintain, any clearinghouse,  
11 database, or other listing which—

12            (A) makes available to employee benefit  
13 plans (as defined in section 3(3) of the Em-  
14 ployee Retirement Income Security Act of  
15 1974) information relating to the status of in-  
16 vestments as economically targeted investments  
17 referred to in such Interpretive Bulletin,

18            (B) provides assistance to employee benefit  
19 plans (as so defined) or any other party to de-  
20 velop or evaluate investments as economically  
21 targeted investments referred to in such Inter-  
22 pretive Bulletin, or

23            (C) identifies investments with respect to  
24 which the Department or the Corporation will  
25 withhold from undertaking enforcement actions

1           under such Act by reason of their status as eco-  
2           nomically targeted investments referred to in  
3           such Interpretive Bulletin,

4           (3) to administer or otherwise carry out the  
5           contract entered into by the Department of Labor  
6           designated “Contract No. J-9-P-4-0060” or any  
7           other similar contract entered into by the Depart-  
8           ment or the Corporation (except to the extent re-  
9           quired by applicable law to provide for the imme-  
10          diate termination of such contract), or

11          (4) to promote economically targeted invest-  
12          ments referred to in such Interpretive Bulletin, ei-  
13          ther by direct means, such as lecture or travel, or  
14          by indirect means.

15       SEC. 105. None of the funds made available in this  
16       Act may be used by the Occupational Safety and Health  
17       Administration directly or through section 23(g) of the  
18       Occupational Safety and Health Act for the development,  
19       promulgation or issuance of any proposed or final stand-  
20       ard or guideline regarding ergonomic protection or record-  
21       ing and reporting occupational injuries and illnesses di-  
22       rectly related thereto.

23       SEC. 106. Notwithstanding any other provision of  
24       law, no funds shall be expended by the Occupational Safe-  
25       ty and Health Administration for the enforcement of the

1 Fall Protection Standard published at subpart M of 29  
2 CFR part 1926, until 30 days after a new standard has  
3 been promulgated by the Secretary of Labor (“the Sec-  
4 retary”).

5       The Secretary shall develop this standard no later  
6 than 180 days after the enactment of this Act. Until the  
7 publishing of the revised final rule, the Occupational Safe-  
8 ty and Health Administration may only expend funds des-  
9 ignated for the enforcement of an interim fall protection  
10 standard which adjusts all height requirements referenced  
11 at subpart M of 29 CFR part 1926 from 6 feet to 16  
12 feet.

13       SEC. 107. None of the funds appropriated in this Act  
14 may be obligated or expended by the Department of Labor  
15 for the purposes of enforcement and the issuance of fines  
16 under Hazardous Occupation Order Number 12 (HO 12)  
17 with respect to the placement or loading of materials by  
18 a person under 18 years of age into a cardboard baler  
19 that is in compliance with the American National Stand-  
20 ards Institute safety standard ANSI Z245.5 1990, and a  
21 compactor that is in compliance with the American Na-  
22 tional Standards Institute safety standard ANSI Z245.2  
23 1992.

24       SEC. 108. None of the funds appropriated in this Act  
25 may be obligated or expended by the Department of Labor

1 for the purposes of enforcement and the issuance of fines  
2 under Hazardous Occupation Order Number 2 (HO 2)  
3 with respect to incidental and occasional driving by minors  
4 under age 18, unless the Secretary finds that the oper-  
5 ation of a motor vehicle is the primary duty of the minor's  
6 employment.

7 This title may be cited as the "Department of Labor  
8 Appropriations Act, 1996".

9 TITLE II—DEPARTMENT OF HEALTH AND  
10 HUMAN SERVICES

11 HEALTH RESOURCES AND SERVICES ADMINISTRATION

12 HEALTH RESOURCES AND SERVICES

13 For carrying out titles II, III, VII, VIII, X, XIX, and  
14 XXVI of the Public Health Service Act, title V of the So-  
15 cial Security Act, and the Health Care Quality Improve-  
16 ment Act of 1986, as amended, \$2,927,122,000, of which  
17 \$411,000 shall remain available until expended for inter-  
18 est subsidies on loan guarantees made prior to fiscal year  
19 1981 under part B of title VII of the Public Health Serv-  
20 ice Act: *Provided*, That the Division of Federal Occupa-  
21 tional Health may utilize personal services contracting to  
22 employ professional management/administrative, and oc-  
23 cupational health professionals: *Provided further*, That of  
24 the funds made available under this heading, \$933,000  
25 shall be available until expended for facilities renovations

1 at the Gillis W. Long Hansen's Disease Center: *Provided*  
2 *further*, That in addition to fees authorized by section  
3 427(b) of the Health Care Quality Improvement Act of  
4 1986, fees shall be collected for the full disclosure of infor-  
5 mation under the Act sufficient to recover the full costs  
6 of operating the National Practitioner Data Bank, and  
7 shall remain available until expended to carry out that  
8 Act: *Provided further*, That of the funds made available  
9 under this heading, \$193,349,000 shall be for the program  
10 under title X of the Public Health Service Act to provide  
11 for voluntary family planning projects: *Provided further*,  
12 That amounts provided to said projects under such title  
13 shall not be expended for abortions, that all pregnancy  
14 counseling shall be nondirective, and that such amounts  
15 shall not be expended for any activity (including the publi-  
16 cation or distribution of literature) that in any way tends  
17 to promote public support or opposition to any legislative  
18 proposal or candidate for public office.

19 MEDICAL FACILITIES GUARANTEE AND LOAN FUND

20 FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

21 For carrying out subsections (d) and (e) of section  
22 1602 of the Public Health Service Act, \$8,000,000, to-  
23 gether with any amounts received by the Secretary in con-  
24 nection with loans and loan guarantees under title VI of  
25 the Public Health Service Act, to be available without fis-

1 cal year limitation for the payment of interest subsidies.  
2 During the fiscal year, no commitments for direct loans  
3 or loan guarantees shall be made.

4 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

5 For the cost of guaranteed loans, such sums as may  
6 be necessary to carry out the purpose of the program, as  
7 authorized by title VII of the Public Health Service Act,  
8 as amended: *Provided*, That such costs, including the cost  
9 of modifying such loans, shall be as defined in section 502  
10 of the Congressional Budget Act of 1974: *Provided fur-*  
11 *ther*, That these funds are available to subsidize gross obli-  
12 gations for the total loan principal any part of which is  
13 to be guaranteed at not to exceed \$210,000,000. In addi-  
14 tion, for administrative expenses to carry out the guaran-  
15 teed loan program, \$2,703,000.

16 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

17 For payments from the Vaccine Injury Compensation  
18 Program Trust Fund, such sums as may be necessary for  
19 claims associated with vaccine-related injury or death with  
20 respect to vaccines administered after September 30,  
21 1988, pursuant to subtitle 2 of title XXI of the Public  
22 Health Service Act, to remain available until expended:  
23 *Provided*, That for necessary administrative expenses, not  
24 to exceed \$3,000,000 shall be available from the Trust  
25 Fund to the Secretary of Health and Human Services.



## 1 VACCINE INJURY COMPENSATION

2 For payment of claims resolved by the United States  
3 Court of Federal Claims related to the administration of  
4 vaccines before October 1, 1988, \$110,000,000, to remain  
5 available until expended.

## 6 CENTERS FOR DISEASE CONTROL AND PREVENTION

## 7 DISEASE CONTROL, RESEARCH, AND TRAINING

8 To carry out titles II, III, VII, XI, XV, XVII, and  
9 XIX of the Public Health Service Act, sections 101, 102,  
10 103, 201, 202, and 203 of the Federal Mine Safety and  
11 Health Act of 1977, and sections 20 and 22 of the Occu-  
12 pational Safety and Health Act of 1970; including insur-  
13 ance of official motor vehicles in foreign countries; and  
14 hire, maintenance, and operation of aircraft,  
15 \$2,085,831,000, of which \$4,353,000 shall remain avail-  
16 able until expended for equipment and construction and  
17 renovation of facilities, and in addition, such sums as may  
18 be derived from authorized user fees, which shall be cred-  
19 ited to this account: *Provided*, That in addition to amounts  
20 provided herein, up to \$27,862,000 shall be available from  
21 amounts available under section 241 of the Public Health  
22 Service Act, to carry out the National Center for Health  
23 Statistics surveys.

1       In addition, \$39,100,000, to be derived from the Vio-  
2 lent Crime Reduction Trust Fund, for carrying out sec-  
3 tions 40151, 40261, and 40293 of Public Law 103-322.

4               NATIONAL INSTITUTES OF HEALTH

5                       NATIONAL CANCER INSTITUTE

6       For carrying out section 301 and title IV of the Pub-  
7 lic Health Service Act with respect to cancer,  
8 \$2,251,084,000.

9               NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

10       For carrying out section 301 and title IV of the Pub-  
11 lic Health Service Act with respect to cardiovascular, lung,  
12 and blood diseases, and blood and blood products,  
13 \$1,355,866,000.

14               NATIONAL INSTITUTE OF DENTAL RESEARCH

15       For carrying out section 301 and title IV of the Pub-  
16 lic Health Service Act with respect to dental disease,  
17 \$183,196,000.

18               NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND

19                               KIDNEY DISEASES

20       For carrying out section 301 and title IV of the Pub-  
21 lic Health Service Act with respect to diabetes and diges-  
22 tive and kidney diseases, \$771,252,000.

1     NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS  
2                                   AND STROKE

3         For carrying out section 301 and title IV of the Pub-  
4 lic Health Service Act with respect to neurological dis-  
5 orders and stroke, \$681,534,000.

6     NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS  
7                                   DISEASES

8         For carrying out section 301 and title IV of the Pub-  
9 lic Health Service Act with respect to allergy and infec-  
10 tious diseases, \$1,169,628,000.

11    NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

12         For carrying out section 301 and title IV of the Pub-  
13 lic Health Service Act with respect to general medical  
14 sciences, \$946,971,000.

15    NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN  
16                                   DEVELOPMENT

17         For carrying out section 301 and title IV of the Pub-  
18 lic Health Service Act with respect to child health and  
19 human development, \$595,162,000.

20                                   NATIONAL EYE INSTITUTE

21         For carrying out section 301 and title IV of the Pub-  
22 lic Health Service Act with respect to eye diseases and  
23 visual disorders, \$314,185,000.

1 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH  
2 SCIENCES

3 For carrying out sections 301 and 311 and title IV  
4 of the Public Health Service Act with respect to environ-  
5 mental health sciences, \$288,898,000.

6 NATIONAL INSTITUTE ON AGING

7 For carrying out section 301 and title IV of the Pub-  
8 lic Health Service Act with respect to aging,  
9 \$453,917,000.

10 NATIONAL INSTITUTE OF ARTHRITIS AND  
11 MUSCULOSKELETAL AND SKIN DISEASES

12 For carrying out section 301 and title IV of the Pub-  
13 lic Health Service Act with respect to arthritis, and mus-  
14 culoskeletal and skin diseases, \$241,828,000.

15 NATIONAL INSTITUTE ON DEAFNESS AND OTHER  
16 COMMUNICATION DISORDERS

17 For carrying out section 301 and title IV of the Pub-  
18 lic Health Service Act with respect to deafness and other  
19 communication disorders, \$176,502,000.

20 NATIONAL INSTITUTE OF NURSING RESEARCH

21 For carrying out section 301 and title IV of the Pub-  
22 lic Health Service Act with respect to nursing research,  
23 \$55,831,000.

6 NATIONAL INSTITUTE ON DRUG ABUSE

10 NATIONAL INSTITUTE OF MENTAL HEALTH

14 NATIONAL CENTER FOR RESEARCH RESOURCES

22 NATIONAL CENTER FOR HUMAN GENOME RESEARCH

**HR 2127 RFS**

1 JOHN E. FOGARTY INTERNATIONAL CENTER

2 For carrying out the activities at the John E.  
3 Fogarty International Center, \$25,313,000.

4 NATIONAL LIBRARY OF MEDICINE

5 For carrying out section 301 and title IV of the Pub-  
6 lic Health Service Act with respect to health information  
7 communications, \$141,439,000, of which \$4,000,000 shall  
8 be available until expended for improvement of informa-  
9 tion systems: *Provided*, That in fiscal year 1996, the Li-  
10 brary may enter into personal services contracts for the  
11 provision of services in facilities owned, operated, or con-  
12 structed under the jurisdiction of the National Institutes  
13 of Health.

14 OFFICE OF THE DIRECTOR

15 (INCLUDING TRANSFER OF FUNDS)

16 For carrying out the responsibilities of the Office of  
17 the Director, National Institutes of Health, \$261,488,000:  
18 *Provided*, That funding shall be available for the purchase  
19 of not to exceed five passenger motor vehicles for replace-  
20 ment only: *Provided further*, That the Director may direct  
21 up to 1 percent of the total amount made available in this  
22 Act to all National Institutes of Health appropriations to  
23 activities the Director may so designate: *Provided further*,  
24 That no such appropriation shall be increased or de-  
25 creased by more than 1 percent by any such transfers and

1 that the Congress is promptly notified of the transfer: *Pro-*  
2 *vided further*, That of the funds made available under this  
3 heading, \$7,500,000 shall be available for carrying out the  
4 activities of the Office of Alternative Medicine under sec-  
5 tion 404E of the Public Health Service Act.

6 BUILDINGS AND FACILITIES

7 For the study of, construction of, and acquisition of  
8 equipment for, facilities of or used by the National Insti-  
9 tutes of Health, including the acquisition of real property,  
10 \$146,151,000, to remain available until expended.

11 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

12 ADMINISTRATION

13 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

14 For carrying out titles V and XIX of the Public  
15 Health Service Act with respect to substance abuse and  
16 mental health services, the Protection and Advocacy for  
17 Mentally Ill Individuals Act of 1986, and section 301 of  
18 the Public Health Service Act with respect to program  
19 management, \$1,788,946,000.

20 RETIREMENT PAY AND MEDICAL BENEFITS FOR

21 COMMISSIONED OFFICERS

22 For retirement pay and medical benefits of Public  
23 Health Service Commissioned Officers as authorized by  
24 law, and for payments under the Retired Serviceman's  
25 Family Protection Plan and Survivor Benefit Plan and for

1 medical care of dependents and retired personnel under  
2 the Dependents' Medical Care Act (10 U.S.C. ch. 55), and  
3 for payments pursuant to section 229(b) of the Social Se-  
4 curity Act (42 U.S.C. 429(b)), such amounts as may be  
5 required during the current fiscal year.

6 AGENCY FOR HEALTH CARE POLICY AND RESEARCH

7 HEALTH CARE POLICY AND RESEARCH

8 For carrying out titles III and IX of the Public  
9 Health Service Act, and part A of title XI of the Social  
10 Security Act, \$85,423,000, together with not to exceed  
11 \$5,796,000 to be transferred from the Federal Hospital  
12 Insurance and the Federal Supplementary Medical Insur-  
13 ance Trust Funds, as authorized by sections 1142 and  
14 201(g) of the Social Security Act; in addition, amounts  
15 received from Freedom of Information Act fees, reimburs-  
16 able and interagency agreements, and the sale of data  
17 tapes shall be credited to this appropriation and shall re-  
18 main available until expended: *Provided*, That the amount  
19 made available pursuant to section 926(b) of the Public  
20 Health Service Act shall not exceed \$34,284,000.

21 HEALTH CARE FINANCING ADMINISTRATION

22 GRANTS TO STATES FOR MEDICAID

23 For carrying out, except as otherwise provided, titles  
24 XI and XIX of the Social Security Act, \$55,094,355,000,  
25 to remain available until expended.



1 For making, after May 31, 1996, payments to States  
2 under title XIX of the Social Security Act for the last  
3 quarter of fiscal year 1996 for unanticipated costs, in-  
4 curred for the current fiscal year, such sums as may be  
5 necessary.

6 For making payments to States under title XIX of  
7 the Social Security Act for the first quarter of fiscal year  
8 1997, \$26,155,350,000, to remain available until ex-  
9 pended.

10 Payment under title XIX may be made for any quar-  
11 ter with respect to a State plan or plan amendment in  
12 effect during such quarter, if submitted in or prior to such  
13 quarter and approved in that or any subsequent quarter.

14 PAYMENTS TO HEALTH CARE TRUST FUNDS

15 For payment to the Federal Hospital Insurance and  
16 the Federal Supplementary Medical Insurance Trust  
17 Funds, as provided under sections 217(g) and 1844 of the  
18 Social Security Act, sections 103(c) and 111(d) of the So-  
19 cial Security Amendments of 1965, section 278(d) of Pub-  
20 lic Law 97-248, and for administrative expenses incurred  
21 pursuant to section 201(g) of the Social Security Act,  
22 \$63,313,000,000.

23 PROGRAM MANAGEMENT

24 For carrying out, except as otherwise provided, titles  
25 XI, XVIII, and XIX of the Social Security Act, and title

1 XIII of the Public Health Service Act, the Clinical Labora-  
2 tory Improvement Amendments of 1988, and section  
3 4005(e) of Public Law 100–203, not to exceed  
4 \$2,134,533,000, together with all funds collected in ac-  
5 cordance with section 353 of the Public Health Service  
6 Act, the latter funds to remain available until expended;  
7 the \$2,134,533,000, to be transferred to this appropria-  
8 tion as authorized by section 201(g) of the Social Security  
9 Act, from the Federal Hospital Insurance and the Federal  
10 Supplementary Medical Insurance Trust Funds: *Provided*,  
11 That all funds derived in accordance with 31 U.S.C. 9701  
12 from organizations established under title XIII of the Pub-  
13 lic Health Service Act are to be credited to this appropria-  
14 tion.

15 HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN  
16 GUARANTEE FUND

17 For carrying out subsections (d) and (e) of section  
18 1308 of the Public Health Service Act, any amounts re-  
19 ceived by the Secretary in connection with loans and loan  
20 guarantees under title XIII of the Public Health Service  
21 Act, to be available without fiscal year limitation for the  
22 payment of outstanding obligations. During fiscal year  
23 1996, no commitments for direct loans or loan guarantees  
24 shall be made.

1       ADMINISTRATION FOR CHILDREN AND FAMILIES

2               FAMILY SUPPORT PAYMENTS TO STATES

3       For making payments to States or other non-Federal  
4 entities, except as otherwise provided, under titles I, IV–  
5 A (other than section 402(g)(6)) and D, X, XI, XIV, and  
6 XVI of the Social Security Act, and the Act of July 5,  
7 1960 (24 U.S.C. ch. 9), \$13,614,307,000, to remain avail-  
8 able until expended.

9       For making, after May 31 of the current fiscal year,  
10 payments to States or other non-Federal entities under  
11 titles I, IV–A and D, X, XI, XIV, and XVI of the Social  
12 Security Act, for the last three months of the current year  
13 for unanticipated costs, incurred for the current fiscal  
14 year, such sums as may be necessary.

15       For making payments to States or other non-Federal  
16 entities under titles I, IV–A (other than section 402(g)(6))  
17 and D, X, XI, XIV, and XVI of the Social Security Act  
18 and the Act of July 5, 1960 (24 U.S.C. ch. 9) for the  
19 first quarter of fiscal year 1997, \$4,800,000,000, to re-  
20 main available until expended.

21               JOB OPPORTUNITIES AND BASIC SKILLS

22       For carrying out aid to families with dependent chil-  
23 dren work programs, as authorized by part F of title IV  
24 of the Social Security Act, \$1,000,000,000.

# 1 LOW INCOME HOME ENERGY ASSISTANCE

2 (RESCISSION)

3       Of the funds made available beginning on October 1,  
4 1995 under this heading in Public Law 103-333,  
5 \$1,000,000,000 are hereby rescinded.

6 REFUGEE AND ENTRANT ASSISTANCE

7 For making payments for refugee and entrant assist-  
8 ance activities authorized by title IV of the Immigration  
9 and Nationality Act and section 501 of the Refugee Edu-  
10 cation Assistance Act of 1980 (Public Law 96-422),  
11 \$411,781,000: *Provided*, That funds appropriated pursu-  
12 ant to section 414(a) of the Immigration and Nationality  
13 Act under Public Law 103-112 for fiscal year 1994 shall  
14 be available for the costs of assistance provided and other  
15 activities conducted in such year and in fiscal years 1995  
16 and 1996.

17 CHILD CARE AND DEVELOPMENT BLOCK GRANT

18 For carrying out sections 658A through 658R of the  
19 Omnibus Budget Reconciliation Act of 1981 (The Child  
20 Care and Development Block Grant Act of 1990),  
21 \$934,642,000, which shall be available for obligation  
22 under the same statutory terms and conditions applicable  
23 in the prior fiscal year.

## 1 SOCIAL SERVICES BLOCK GRANT

2 For making grants to States pursuant to section  
3 2002 of the Social Security Act, \$2,800,000,000.

## 4 CHILDREN AND FAMILIES SERVICES PROGRAMS

5 For carrying out, except as otherwise provided, the  
6 Runaway and Homeless Youth Act, the Developmental  
7 Disabilities Assistance and Bill of Rights Act, the Head  
8 Start Act, the Child Abuse Prevention and Treatment Act,  
9 the Family Violence Prevention and Services Act, the Na-  
10 tive American Programs Act of 1974, title II of Public  
11 Law 95–266 (adoption opportunities), the Temporary  
12 Child Care for Children with Disabilities and Crisis Nurs-  
13 eries Act of 1986, the Abandoned Infants Assistance Act  
14 of 1988, and part B(1) of title IV of the Social Security  
15 Act; for making payments under the Community Services  
16 Block Grant Act; and for necessary administrative ex-  
17 penses to carry out said Acts and titles I, IV, X, XI, XIV,  
18 XVI, and XX of the Social Security Act, the Act of July  
19 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconcili-  
20 ation Act of 1981, title IV of the Immigration and Nation-  
21 ality Act, section 501 of the Refugee Education Assistance  
22 Act of 1980, and section 126 and titles IV and V of Public  
23 Law 100–485, \$4,544,643,000.

1 In addition, \$800,000, to be derived from the Violent  
2 Crime Reduction Trust Fund, for carrying out sections  
3 40211 and 40251 of Public Law 103–322.

4 FAMILY PRESERVATION AND SUPPORT

5 For carrying out section 430 of the Social Security  
6 Act, \$225,000,000.

7 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION

8 ASSISTANCE

9 For making payments to States or other non-Federal  
10 entities, under title IV–E of the Social Security Act,  
11 \$4,307,842,000.

12 ADMINISTRATION ON AGING

13 AGING SERVICES PROGRAMS

14 For carrying out, to the extent not otherwise pro-  
15 vided, the Older Americans Act of 1965, as amended,  
16 \$778,246,000.

17 OFFICE OF THE SECRETARY

18 GENERAL DEPARTMENTAL MANAGEMENT

19 For necessary expenses, not otherwise provided, for  
20 general departmental management, including hire of six  
21 medium sedans, and for carrying out titles III and XX  
22 of the Public Health Service Act, \$116,826,000, together  
23 with \$6,813,000, to be transferred and expended as au-  
24 thorized by section 201(g)(1) of the Social Security Act

1 from the Hospital Insurance Trust Fund and the Supple-  
2 mental Medical Insurance Trust Fund.

3 OFFICE OF INSPECTOR GENERAL

4 For expenses necessary for the Office of Inspector  
5 General in carrying out the provisions of the Inspector  
6 General Act of 1978, as amended, \$56,333,000, together  
7 with not to exceed \$17,623,000, to be transferred and ex-  
8 pended as authorized by section 201(g)(1) of the Social  
9 Security Act from the Hospital Insurance Trust Fund and  
10 the Supplemental Medical Insurance Trust Fund.

11 OFFICE FOR CIVIL RIGHTS

12 For expenses necessary for the Office for Civil  
13 Rights, \$10,249,000, together with not to exceed  
14 \$3,251,000, to be transferred and expended as authorized  
15 by section 201(g)(1) of the Social Security Act from the  
16 Hospital Insurance Trust Fund and the Supplemental  
17 Medical Insurance Trust Fund.

18 POLICY RESEARCH

19 For carrying out, to the extent not otherwise pro-  
20 vided, research studies under section 1110 of the Social  
21 Security Act, \$9,000,000.

22 GENERAL PROVISIONS

23 SEC. 201. Funds appropriated in this title shall be  
24 available for not to exceed \$37,000 for official reception

1 and representation expenses when specifically approved by  
2 the Secretary.

3 SEC. 202. The Secretary shall make available through  
4 assignment not more than 60 employees of the Public  
5 Health Service to assist in child survival activities and to  
6 work in AIDS programs through and with funds provided  
7 by the Agency for International Development, the United  
8 Nations International Children's Emergency Fund or the  
9 World Health Organization.

10 SEC. 203. None of the funds appropriated under this  
11 Act may be used to implement section 399L(b) of the Pub-  
12 lic Health Service Act or section 1503 of the National In-  
13 stitutes of Health Revitalization Act of 1993, Public Law  
14 103-43.

15 SEC. 204. None of the funds made available by this  
16 Act may be used to withhold payment to any State under  
17 the Child Abuse Prevention and Treatment Act by reason  
18 of a determination that the State is not in compliance with  
19 section 1340.2(d)(2)(ii) of title 45 of the Code of Federal  
20 Regulations. This provision expires upon the date of enact-  
21 ment of the reauthorization of the Child Abuse Prevention  
22 and Treatment Act or upon September 30, 1996, which-  
23 ever occurs first.

24 SEC. 205. None of the funds appropriated in this title  
25 for the National Institutes of Health and the Substance



1 Abuse and Mental Health Services Administration shall  
2 be used to pay the salary of an individual, through a grant  
3 or other extramural mechanism, at a rate in excess of  
4 \$125,000 per year.

5 SEC. 206. Taps and other assessments made by any  
6 office located in the Department of Health and Human  
7 Services shall be treated as a reprogramming of funds ex-  
8 cept that this provision shall not apply to assessments re-  
9 quired by authorizing legislation, or related to working  
10 capital funds or other fee-for-service activities.

11 (TRANSFER OF FUNDS)

12 SEC. 207. Of the funds appropriated or otherwise  
13 made available for the Department of Health and Human  
14 Services, General Departmental Management, for fiscal  
15 year 1996, the Secretary of Health and Human Services  
16 shall transfer to the Office of the Inspector General such  
17 sums as may be necessary for any expenses with respect  
18 to the provision of security protection for the Secretary  
19 of Health and Human Services.

20 SEC. 208. None of the funds appropriated in this Act  
21 may be obligated or expended for the Federal Council on  
22 Aging under the Older Americans Act or the Advisory  
23 Board on Child Abuse and Neglect under the Child Abuse  
24 Prevention and Treatment Act.

1        SEC. 209. None of the funds appropriated in this or  
2 any other Act may be obligated or expended for the posi-  
3 tion of Surgeon General of the Public Health Service.

4        This title may be cited as the “Department of Health  
5 and Human Services Appropriations Act, 1996”.

6        TITLE III—DEPARTMENT OF EDUCATION

7                                EDUCATION REFORM

8        For carrying out activities authorized by titles II and  
9 III of the School-to-Work Opportunities Act, \$95,000,000,  
10 which shall become available on July 1, 1996, and remain  
11 available through September 30, 1997.

12                              EDUCATION FOR THE DISADVANTAGED

13        For carrying out title I of the Elementary and Sec-  
14 ondary Education Act of 1965, \$6,014,499,000, which  
15 shall become available on July 1, 1996 and shall remain  
16 available through September 30, 1997: *Provided*, That up  
17 to \$3,500,000 of these funds shall be available to the Sec-  
18 retary on October 1, 1995 to obtain updated local-edu-  
19 cational-agency-level census poverty data from the Bureau  
20 of the Census: *Provided further*, That no funds shall be  
21 reserved under section 1003(a) of said Act.

22                              IMPACT AID

23        For carrying out programs of financial assistance to  
24 federally affected schools authorized by title VIII of the  
25 Elementary and Secondary Education Act of 1965,

1 \$645,000,000, of which \$550,000,000 shall be for basic  
2 support payments under section 8003(b), \$40,000,000  
3 shall be for payments for children with disabilities under  
4 section 8003(d), \$50,000,000, to remain available until  
5 expended, shall be for payments under section 8003(f),  
6 and \$5,000,000 shall be for construction under section  
7 8007: *Provided*, That none of the funds provided shall be  
8 used for payments under section 8003(e).

9 SCHOOL IMPROVEMENT PROGRAMS

10 For carrying out school improvement activities au-  
11 thorized by titles II, IV-A-1, V-A, VI, and X of the Ele-  
12 mentary and Secondary Education Act of 1965 and the  
13 Stewart B. McKinney Homeless Assistance Act;  
14 \$842,000,000, of which \$723,000,000 shall become avail-  
15 able on July 1, 1996, and remain available through Sep-  
16 tember 30, 1997.

17 BILINGUAL AND IMMIGRANT EDUCATION

18 For carrying out, to the extent not otherwise pro-  
19 vided, bilingual and immigrant education activities author-  
20 ized by title VII of the Elementary and Secondary Edu-  
21 cation Act, \$103,000,000: *Provided*, That State edu-  
22 cational agencies may use all, or any part of, their part  
23 C allocation for competitive grants to local educational  
24 agencies: *Provided further*, That the Department of Edu-  
25 cation should only support instructional programs which

1 ensure that students completely master English in a time-  
 2 ly fashion (a period of three to five years) while meeting  
 3 rigorous achievement standards in the academic content  
 4 areas: *Provided further*, That no funds shall be available  
 5 for subpart 3 of part A.

6 SPECIAL EDUCATION

7 For carrying out parts B, C, D, F, and H of the Indi-  
 8 viduals with Disabilities Education Act, \$3,092,491,000,  
 9 of which \$3,000,000,000 shall become available for obliga-  
 10 tion on July 1, 1996, and shall remain available through  
 11 September 30, 1997.

12 REHABILITATION SERVICES AND DISABILITY RESEARCH

13 For carrying out, to the extent not otherwise pro-  
 14 vided, the Rehabilitation Act of 1973, the Technology-Re-  
 15 lated Assistance for Individuals with Disabilities Act, and  
 16 the Helen Keller National Center Act, as amended,  
 17 \$2,455,760,000.

18 SPECIAL INSTITUTIONS FOR PERSONS WITH

19 DISABILITIES

20 AMERICAN PRINTING HOUSE FOR THE BLIND

21 For carrying out the Act of March 3, 1879, as  
 22 amended (20 U.S.C. 101 et seq.), \$4,000,000.

23 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

24 For the National Technical Institute for the Deaf  
 25 under titles I and II of the Education of the Deaf Act  
 26 of 1986 (20 U.S.C. 4301 et seq.), \$39,737,000: *Provided*,

1 That from the amount available, the Institute may at its  
2 discretion use funds for the endowment program as au-  
3 thorized under section 207.

4 GALLAUDET UNIVERSITY

5 For the Kendall Demonstration Elementary School,  
6 the Model Secondary School for the Deaf, and the partial  
7 support of Gallaudet University under titles I and II of  
8 the Education of the Deaf Act of 1986 (20 U.S.C. 4301  
9 et seq.), \$72,028,000: *Provided*, That from the amount  
10 available, the University may at its discretion use funds  
11 for the endowment program as authorized under section  
12 207.

13 VOCATIONAL AND ADULT EDUCATION

14 For carrying out, to the extent not otherwise pro-  
15 vided, the Carl D. Perkins Vocational and Applied Tech-  
16 nology Education Act, the Adult Education Act, and the  
17 National Literacy Act of 1991, \$1,062,788,000, of which  
18 \$4,869,000 shall be for the National Institute for Lit-  
19 eracy; and of which \$1,055,000,000 shall become available  
20 on July 1, 1996 and shall remain available through Sep-  
21 tember 30, 1997: *Provided*, That of the amounts made  
22 available under the Carl D. Perkins Vocational and Ap-  
23 plied Technology Education Act, \$1,000,000 shall be for  
24 national programs under title IV without regard to section  
25 451.

## 1 STUDENT FINANCIAL ASSISTANCE

2 For carrying out subparts 1 and 3 of part A, part  
3 C, and part E of title IV of the Higher Education Act  
4 of 1965, as amended, \$6,916,915,000, which shall remain  
5 available through September 30, 1997.

6 The maximum Pell Grant for which a student shall  
7 be eligible during award year 1996–1997 shall be \$2,440:  
8 *Provided*, That notwithstanding section 401(g) of the Act,  
9 as amended, if the Secretary determines, prior to publica-  
10 tion of the payment schedule for award year 1996–1997,  
11 that the \$5,697,000,000 included within this appropria-  
12 tion for Pell Grant awards for award year 1996–1997, and  
13 any funds available from the fiscal year 1995 appropria-  
14 tion for Pell Grant awards, are insufficient to satisfy fully  
15 all such awards for which students are eligible, as cal-  
16 culated under section 401(b) of the Act, the amount paid  
17 for each such award shall be reduced by either a fixed  
18 or variable percentage, or by a fixed dollar amount, as de-  
19 termined in accordance with a schedule of reductions es-  
20 tablished by the Secretary for this purpose: *Provided fur-*  
21 *ther*, That no Pell grant shall be awarded to any student  
22 during award year 1996–1997 if the amount of that grant  
23 as determined under section 401(b) of the Act is less than  
24 \$600.

## 1 FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

2 For Federal administrative expenses to carry out  
3 guaranteed student loans authorized by title IV, part B,  
4 of the Higher Education Act, as amended, \$30,066,000.

## 5 HIGHER EDUCATION

6 For carrying out, to the extent not otherwise pro-  
7 vided, parts A and B of title III, without regard to section  
8 360(a)(1)(B)(ii), chapter 1 of subpart 2 of part A of title  
9 IV, subpart 2 of part E of title V, parts A and B of title  
10 VI, title VII, part D of title IX, and part A and subpart  
11 1 of part B of title X of the Higher Education Act of  
12 1965, as amended, and the Mutual Educational and Cul-  
13 tural Exchange Act of 1961; \$757,700,000, of which  
14 \$16,712,000 for interest subsidies under title VII of the  
15 Higher Education Act, as amended, shall remain available  
16 until expended.

## 17 HOWARD UNIVERSITY

18 For partial support of Howard University (20 U.S.C.  
19 121 et seq.), \$170,366,000.

## 20 HIGHER EDUCATION FACILITIES LOANS

21 The Secretary is hereby authorized to make such ex-  
22 penditures, within the limits of funds available under this  
23 heading and in accord with law, and to make such con-  
24 tracts and commitments without regard to fiscal year limi-  
25 tation, as provided by section 104 of the Government Cor-

1 poration Control Act (31 U.S.C. 9104), as may be nec-  
2 essary in carrying out the program for the current fiscal  
3 year.

4 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS  
5 PROGRAM

6 For administrative expenses to carry out the existing  
7 direct loan program of college housing and academic facili-  
8 ties loans entered into pursuant to title VII, part C, of  
9 the Higher Education Act, as amended, \$700,000.

10 COLLEGE HOUSING LOANS

11 Pursuant to title VII, part C of the Higher Education  
12 Act, as amended, for necessary expenses of the college  
13 housing loans program, previously carried out under title  
14 IV of the Housing Act of 1950, the Secretary shall make  
15 expenditures and enter into contracts without regard to  
16 fiscal year limitation using loan repayments and other re-  
17 sources available to this account. Any unobligated bal-  
18 ances becoming available from fixed fees paid into this ac-  
19 count pursuant to 12 U.S.C. 1749d, relating to payment  
20 of costs for inspections and site visits, shall be available  
21 for the operating expenses of this account.

22 HISTORICALLY BLACK COLLEGE AND UNIVERSITY  
23 CAPITAL FINANCING, PROGRAM ACCOUNT

24 The total amount of bonds insured pursuant to sec-  
25 tion 724 of title VII, part B of the Higher Education Act



1 shall not exceed \$357,000,000, and the cost, as defined  
2 in section 502 of the Congressional Budget Act of 1974,  
3 of such bonds shall not exceed zero.

4 For administrative expenses to carry out the Histori-  
5 cally Black College and University Capital Financing Pro-  
6 gram entered into pursuant to title VII, part B of the  
7 Higher Education Act, as amended, \$166,000.

8 EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

9 For carrying out activities authorized by the Edu-  
10 cational Research, Development, Dissemination, and Im-  
11 provement Act; the National Education Statistics Act;  
12 part A of title III, parts A and B and section 10601 of  
13 title X of the Elementary and Secondary Education Act  
14 of 1965, as amended, \$250,238,000: *Provided*, That  
15 \$3,000,000 shall be for section 10601 of the Elementary  
16 and Secondary Education Act: *Provided further*, That  
17 \$25,000,000 shall be for section 3136 of the Elementary  
18 and Secondary Education Act (K–12 technology learning  
19 challenge): *Provided further*, That none of the funds ap-  
20 propriated in this paragraph may be obligated or expended  
21 for the Goals 2000 Community Partnerships Program.

22 LIBRARIES

23 For carrying out, to the extent not otherwise pro-  
24 vided, titles I and III of the Library Services and Con-  
25 struction Act, \$101,227,000.

## 1 DEPARTMENTAL MANAGEMENT

## 2 PROGRAM ADMINISTRATION

3 For carrying out, to the extent not otherwise pro-  
4 vided, the Department of Education Organization Act, in-  
5 cluding rental of conference rooms in the District of Co-  
6 lumbia and hire of two passenger motor vehicles,  
7 \$327,319,000.

## 8 OFFICE FOR CIVIL RIGHTS

9 For expenses necessary for the Office for Civil  
10 Rights, as authorized by section 203 of the Department  
11 of Education Organization Act, \$53,951,000.

## 12 OFFICE OF THE INSPECTOR GENERAL

13 For expenses necessary for the Office of the Inspector  
14 General, as authorized by section 212 of the Department  
15 of Education Organization Act, \$28,154,000.

## 16 GENERAL PROVISIONS

17 SEC. 301. No funds appropriated in this Act may be  
18 used for the transportation of students or teachers (or for  
19 the purchase of equipment for such transportation) in  
20 order to overcome racial imbalance in any school or school  
21 system, or for the transportation of students or teachers  
22 (or for the purchase of equipment for such transportation)  
23 in order to carry out a plan of racial desegregation of any  
24 school or school system.

1        SEC. 302. None of the funds contained in this Act  
2 shall be used to require, directly or indirectly, the trans-  
3 portation of any student to a school other than the school  
4 which is nearest the student's home, except for a student  
5 requiring special education, to the school offering such  
6 special education, in order to comply with title VI of the  
7 Civil Rights Act of 1964. For the purpose of this section  
8 an indirect requirement of transportation of students in-  
9 cludes the transportation of students to carry out a plan  
10 involving the reorganization of the grade structure of  
11 schools, the pairing of schools, or the clustering of schools,  
12 or any combination of grade restructuring, pairing or clus-  
13 tering. The prohibition described in this section does not  
14 include the establishment of magnet schools.

15        SEC. 303. No funds appropriated under this Act may  
16 be used to prevent the implementation of programs of vol-  
17 untary prayer and meditation in the public schools.

18        SEC. 304. No funds appropriated under this Act shall  
19 be made available for opportunity to learn standards or  
20 strategies.

21        SEC. 305. Notwithstanding any other provision of  
22 law, funds available for section 458 of the Higher Edu-  
23 cation Act shall not exceed \$320,000,000 for fiscal year  
24 1996, of which \$160,000,000 shall be available for the  
25 payment of administrative cost allowances to guaranty

1 agencies. The Department of Education shall, within 30  
2 days of enactment, develop a plan for the payment of ad-  
3 ministrative cost allowances which shall be submitted to  
4 the Chairs of the House Committee on Economic and  
5 Educational Opportunities and the Senate Committee on  
6 Labor and Human Resources. Notwithstanding section  
7 458 of the Higher Education Act, the Secretary may not  
8 use funds available under that section for subsequent fis-  
9 cal years for administrative expenses of the William D.  
10 Ford Direct Loan Program during fiscal year 1996, nor  
11 may the Secretary require the return of guaranty agency  
12 reserve funds during fiscal year 1996.

13       No funds available to the Secretary may be used for  
14 (1) marketing, advertising or promotion of the William D.  
15 Ford Direct Loan Program, or for the hiring of advertis-  
16 ing agencies or other third parties to provide advertising  
17 services, or (2) payment of administrative fees relating to  
18 the William D. Ford Direct Loan Program to institutions  
19 of higher education.

20       None of the funds provided by this Act may be used  
21 to hire staff at the Department of Education if such hiring  
22 would increase on-board employment at the Department  
23 as of the date of enactment of this Act.

24       None of the funds provided by this Act may be used  
25 to conduct an evaluation of the William D. Ford Direct

1 Loan Program except as administered by the Advisory  
2 Committee on Student Financial Assistance.

3 None of the funds provided by this Act may be used  
4 by the Department of Education to implement new Indi-  
5 vidual Procurement Agreements (IPAs).

6 SEC. 306. None of the funds appropriated in this Act  
7 may be obligated or expended to carry out sections 727,  
8 932, and 1002 of the Higher Education Act of 1965, sec-  
9 tion 621(b) of Public Law 101–589, the President’s Advi-  
10 sory Commission on Educational Excellence for Hispanic  
11 Americans, and the President’s Board of Advisors on His-  
12 torically Black Colleges and Universities.

13 SEC. 307. Section 444(b)(1)(E) of the General Edu-  
14 cation Provisions Act (20 U.S.C. 1232g(b)(1)(E)) is  
15 amended to read as follows:

16 “(E) State and local officials or authorities to  
17 whom such information is specifically—

18 “(i) required to be reported or disclosed  
19 pursuant to State statute adopted before No-  
20 vember 19, 1974;

21 “(ii) allowed to be reported or disclosed  
22 pursuant to State statute adopted before No-  
23 vember 19, 1974, if the allowed reporting or  
24 disclosure concerns the juvenile justice system

1           and such system's ability to effectively serve the  
2           student whose records are released, or

3           “(iii) allowed to be reported or disclosed  
4           pursuant to State statute adopted after Novem-  
5           ber 19, 1974, if—

6           “(I) the allowed reporting or disclo-  
7           sure concerns the juvenile justice system  
8           and such system's ability to effectively  
9           serve, prior to adjudication, the student  
10          whose records are released; and

11          “(II) the officials and authorities to  
12          whom such information is disclosed certify  
13          in writing to the educational agency or in-  
14          stitution that the information will not be  
15          disclosed to any other party except as pro-  
16          vided under State law without the prior  
17          written consent of the parent of the stu-  
18          dent;”.

19          SEC. 308. None of the funds made available in this  
20          Act may be used by the Office of Civil Rights of the De-  
21          partment of Education after December 31, 1995, to en-  
22          force title IX of the Education Amendments of 1972 (20  
23          U.S.C. 1681 et seq.) with respect to gender equity in inter-  
24          collegiate athletic programs, except when it is made known  
25          to the Office that the Department has issued updated pol-

1 icy guidance to institutions of higher education which in-  
2 cludes specific criteria clarifying how such institutions can  
3 demonstrate a history and continuing practice of program  
4 expansion for members of the underrepresented sex and  
5 full and effective accommodation of the interests and abili-  
6 ties of the underrepresented sex.

7 This title may be cited as the “Department of Edu-  
8 cation Appropriations Act, 1996”.

#### 9 TITLE IV—RELATED AGENCIES

##### 10 ARMED FORCES RETIREMENT HOME

11 For expenses necessary for the Armed Forces Retire-  
12 ment Home to operate and maintain the United States  
13 Soldiers’ and Airmen’s Home and the United States Naval  
14 Home, to be paid from funds available in the Armed  
15 Forces Retirement Home Trust Fund, \$58,186,000, of  
16 which \$2,051,000 shall remain available until expended  
17 for construction and renovation of the physical plants at  
18 the United States Soldiers’ and Airmen’s Home and the  
19 United States Naval Home: *Provided*, That this appro-  
20 priation shall not be available for the payment of hos-  
21 pitalization of members of the Soldiers’ and Airmen’s  
22 Home in United States Army hospitals at rates in excess  
23 of those prescribed by the Secretary of the Army upon  
24 recommendation of the Board of Commissioners and the  
25 Surgeon General of the Army.

1 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE  
2 DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING  
3 EXPENSES

4 For expenses necessary for the Corporation for Na-  
5 tional and Community Service to carry out the provisions  
6 of the Domestic Volunteer Service Act of 1973, as amend-  
7 ed, \$168,974,000.

8 CORPORATION FOR PUBLIC BROADCASTING

9 For payment to the Corporation for Public Broad-  
10 casting, as authorized by the Communications Act of  
11 1934, without regard to section 396(k)(3)(B)(iii), an  
12 amount which shall be available within limitations speci-  
13 fied by that Act, for the fiscal year 1998, \$240,000,000:  
14 *Provided*, That all funds appropriated herein shall be  
15 made available only if authorized: *Provided further*, That  
16 no funds made available to the Corporation for Public  
17 Broadcasting by this Act shall be used to pay for recep-  
18 tions, parties, or similar forms of entertainment for Gov-  
19 ernment officials or employees: *Provided further*, That  
20 none of the funds contained in this paragraph shall be  
21 available or used to aid or support any program or activity  
22 from which any person is excluded, or is denied benefits,  
23 or is discriminated against, on the basis of race, color, na-  
24 tional origin, religion, or sex: *Provided further*, That for  
25 any fiscal year, the Secretary of the Treasury shall, not-



1 withstanding section 396(k)(2)(B) of the Communications  
2 Act of 1934, make funds available to the Corporation for  
3 Public Broadcasting in accordance with the payment  
4 methods required under Office of Management and Budg-  
5 et Circular A-110 to minimize the time between the trans-  
6 fer of funds from the Federal Treasury and the outlay  
7 or expenditure of such funds by the Corporation.

8       FEDERAL MEDIATION AND CONCILIATION SERVICE

9                       SALARIES AND EXPENSES

10       For expenses necessary for the Federal Mediation  
11 and Conciliation Service to carry out the functions vested  
12 in it by the Labor Management Relations Act, 1947 (29  
13 U.S.C. 171-180, 182-183), including hire of passenger  
14 motor vehicles; and for expenses necessary for the Labor-  
15 Management Cooperation Act of 1978 (29 U.S.C. 175a);  
16 and for expenses necessary for the Service to carry out  
17 the functions vested in it by the Civil Service Reform Act,  
18 Public Law 95-454 (5 U.S.C. chapter 71), \$31,896,000.

19       FEDERAL MINE SAFETY AND HEALTH REVIEW

20                       COMMISSION

21                       SALARIES AND EXPENSES

22       For expenses necessary for the Federal Mine Safety  
23 and Health Review Commission (30 U.S.C. 801 et seq.),  
24 \$6,467,000.

1           NATIONAL COMMISSION ON LIBRARIES AND  
2                           INFORMATION SCIENCE  
3                           SALARIES AND EXPENSES

4           For necessary expenses for the National Commission  
5 on Libraries and Information Science, established by the  
6 Act of July 20, 1970 (Public Law 91-345, as amended  
7 by Public Law 102-95), \$450,000.

8           NATIONAL COUNCIL ON DISABILITY  
9                           SALARIES AND EXPENSES

10          For expenses necessary for the National Council on  
11 Disability as authorized by title IV of the Rehabilitation  
12 Act of 1973, as amended, \$1,397,000.

13          NATIONAL LABOR RELATIONS BOARD  
14                           SALARIES AND EXPENSES

15          For expenses necessary for the National Labor Rela-  
16 tions Board to carry out the functions vested in it by the  
17 Labor-Management Relations Act, 1947, as amended (29  
18 U.S.C. 141-167), and other laws, \$123,233,000: *Pro-*  
19 *vided*, That no part of this appropriation shall be available  
20 to organize or assist in organizing agricultural laborers or  
21 used in connection with investigations, hearings, direc-  
22 tives, or orders concerning bargaining units composed of  
23 agricultural laborers as referred to in section 2(3) of the  
24 Act of July 5, 1935 (29 U.S.C. 152), and as amended  
25 by the Labor-Management Relations Act, 1947, as amend-

1 ed, and as defined in section 3(f) of the Act of June 25,  
2 1938 (29 U.S.C. 203), and including in said definition em-  
3 ployees engaged in the maintenance and operation of  
4 ditches, canals, reservoirs, and waterways when main-  
5 tained or operated on a mutual, nonprofit basis and at  
6 least 95 per centum of the water stored or supplied there-  
7 by is used for farming purposes: *Provided further*, That  
8 notwithstanding any other provisions of law, no part of  
9 this appropriation may be used by the National Labor Re-  
10 lations Board for the investigation or prosecution of al-  
11 leged unfair labor practice charges under section 8 of the  
12 National Labor Relations Act, where such charges are  
13 based, in whole or in part, on an employer's taking any  
14 adverse action, including refusal to hire, discipline, or dis-  
15 charge, against an individual(s) who is an employee or  
16 agent or is otherwise working under the control and super-  
17 vision of a labor organization, until such time as the Unit-  
18 ed States Supreme Court has held that such individual(s)  
19 are or are not protected under section 8 of the National  
20 Labor Relations Act: *Provided further*, That no part of  
21 this appropriation may be used by the National Labor Re-  
22 lations Board to petition a United States district court  
23 for temporary relief or a restraining order as described  
24 under section 10(j) of the National Labor Relations Act  
25 unless there is a reasonable likelihood of success on the

1 merits of the complaint that an unfair labor practice has  
2 occurred, there is a possibility of irreparable harm if such  
3 relief is not granted, a balancing of hardships favors in-  
4 junctive relief, and harm to the public interest stemming  
5 from injunctive relief is tolerable in light of the benefits  
6 achieved by such relief: *Provided further*, That no part of  
7 this appropriation shall be available for the exercise of the  
8 National Labor Relations Board's authority under section  
9 10(j) of the National Labor Relations Act (29 U.S.C.  
10 160(j)) unless four-fifths of the Board's members have  
11 voted to exercise such authority, where five Board mem-  
12 bers are voting: *Provided further*, That no part of this ap-  
13 propriation shall be available for the exercise of the Na-  
14 tional Labor Relations Board's authority under section  
15 10(j) of the National Labor Relations Act (29 U.S.C.  
16 160(j)) unless before determining that an action for in-  
17 junctive relief is warranted the Board allows a named  
18 party to an injunction an opportunity to review and re-  
19 spond to the General Counsel's memorandum of rec-  
20 ommendations and to present oral evidence.

21 NATIONAL MEDIATION BOARD

22 SALARIES AND EXPENSES

23 For expenses necessary to carry out the provisions  
24 of the Railway Labor Act, as amended (45 U.S.C. 151–

1 188), including emergency boards appointed by the Presi-  
2 dent, \$8,000,000.

3 OCCUPATIONAL SAFETY AND HEALTH REVIEW

4 COMMISSION

5 SALARIES AND EXPENSES

6 For expenses necessary for the Occupational Safety  
7 and Health Review Commission (29 U.S.C. 661),  
8 \$8,200,000.

9 PHYSICIAN PAYMENT REVIEW COMMISSION

10 SALARIES AND EXPENSES

11 For expenses necessary to carry out section 1845(a)  
12 of the Social Security Act, \$2,923,000, to be transferred  
13 to this appropriation from the Federal Supplementary  
14 Medical Insurance Trust Fund.

15 PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

16 SALARIES AND EXPENSES

17 For expenses necessary to carry out section 1886(e)  
18 of the Social Security Act, \$3,267,000, to be transferred  
19 to this appropriation from the Federal Hospital Insurance  
20 and the Federal Supplementary Medical Insurance Trust  
21 Funds.

22 SOCIAL SECURITY ADMINISTRATION

23 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

24 For payment to the Federal Old-Age and Survivors  
25 Insurance and the Federal Disability Insurance trust

1 funds, as provided under sections 201(m), 228(g), and  
2 1131(b)(2) of the Social Security Act, \$22,641,000.

3 In addition, to reimburse these trust funds for admin-  
4 istrative expenses to carry out sections 9704 and 9706 of  
5 the Internal Revenue Code of 1986, \$10,000,000, to re-  
6 main available until expended.

7 SPECIAL BENEFITS FOR DISABLED COAL MINERS

8 For carrying out title IV of the Federal Mine Safety  
9 and Health Act of 1977, \$485,396,000, to remain avail-  
10 able until expended.

11 For making, after July 31 of the current fiscal year,  
12 benefit payments to individuals under title IV of the Fed-  
13 eral Mine Safety and Health Act of 1977, for costs in-  
14 curred in the current fiscal year, such amounts as may  
15 be necessary.

16 For making benefit payments under title IV of the  
17 Federal Mine Safety and Health Act of 1977 for the first  
18 quarter of fiscal year 1997, \$170,000,000, to remain  
19 available until expended.

20 SUPPLEMENTAL SECURITY INCOME PROGRAM

21 For carrying out titles XI and XVI of the Social Se-  
22 curity Act, section 401 of Public Law 92-603, section 212  
23 of Public Law 93-66, as amended, and section 405 of  
24 Public Law 95-216, including payment to the Social Secu-  
25 rity trust funds for administrative expenses incurred pur-

1 suant to section 201(g)(1) of the Social Security Act,  
2 \$18,753,834,000, to remain available until expended: *Pro-*  
3 *vided*, That any portion of the funds provided to a State  
4 in the current fiscal year and not obligated by the State  
5 during that year shall be returned to the Treasury.

6 For making, after June 15 of the current fiscal year,  
7 benefit payments to individuals under title XVI of the So-  
8 cial Security Act, for unanticipated costs incurred for the  
9 current fiscal year, such sums as may be necessary.

10 For carrying out title XVI of the Social Security Act  
11 for the first quarter of fiscal year 1997, \$9,260,000,000,  
12 to remain available until expended.

13 LIMITATION ON ADMINISTRATIVE EXPENSES

14 For necessary expenses, including the hire of two me-  
15 dium size passenger motor vehicles, and not to exceed  
16 \$10,000 for official reception and representation expenses,  
17 not more than \$5,275,268,000 may be expended, as au-  
18 thorized by section 201(g)(1) of the Social Security Act  
19 or as necessary to carry out sections 9704 and 9706 of  
20 the Internal Revenue Code of 1986 from any one or all  
21 of the trust funds referred to therein: *Provided*, That reim-  
22 bursement to the trust funds under this heading for ad-  
23 ministrative expenses to carry out sections 9704 and 9706  
24 of the Internal Revenue Code of 1986 shall be made, with  
25 interest, not later than September 30, 1997.

1 In addition to funding already available under this  
2 heading, and subject to the same terms and conditions,  
3 \$407,000,000, for disability caseload processing.

4 In addition to funding already available under this  
5 heading, and subject to the same terms and conditions,  
6 \$228,000,000, which shall remain available until ex-  
7 pended, to invest in a state-of-the-art computing network,  
8 including related equipment and administrative expenses  
9 associated solely with this network, for the Social Security  
10 Administration and the State Disability Determination  
11 Services, may be expended from any or all of the trust  
12 funds as authorized by section 201(g)(1) of the Social  
13 Security Act.

14 OFFICE OF INSPECTOR GENERAL

15 For expenses necessary for the Office of Inspector  
16 General in carrying out the provisions of the Inspector  
17 General Act of 1978, as amended, \$4,816,000, together  
18 with not to exceed \$21,076,000, to be transferred and ex-  
19 pended as authorized by section 201(g)(1) of the Social  
20 Security Act from the Federal Old-Age and Survivors In-  
21 surance Trust Fund and the Federal Disability Insurance  
22 Trust Fund.

23 RAILROAD RETIREMENT BOARD

24 DUAL BENEFITS PAYMENTS ACCOUNT

25 For payment to the Dual Benefits Payments Ac-  
26 count, authorized under section 15(d) of the Railroad Re-



1 tirement Act of 1974, \$239,000,000, which shall include  
2 amounts becoming available in fiscal year 1996 pursuant  
3 to section 224(c)(1)(B) of Public Law 98-76; and in addi-  
4 tion, an amount, not to exceed 2 percent of the amount  
5 provided herein, shall be available proportional to the  
6 amount by which the product of recipients and the average  
7 benefit received exceeds \$239,000,000: *Provided*, That the  
8 total amount provided herein shall be credited in 12 ap-  
9 proximately equal amounts on the first day of each month  
10 in the fiscal year.

11 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

12 ACCOUNTS

13 For payment to the accounts established in the  
14 Treasury for the payment of benefits under the Railroad  
15 Retirement Act for interest earned on unnegotiated  
16 checks, \$300,000, to remain available through September  
17 30, 1997, which shall be the maximum amount available  
18 for payment pursuant to section 417 of Public Law  
19 98-76.

20 LIMITATION ON ADMINISTRATION

21 For necessary expenses for the Railroad Retirement  
22 Board in administering the Railroad Retirement Act and  
23 the Railroad Unemployment Insurance Act, \$90,912,000,  
24 to be derived as authorized by section 15(h) of the Rail-  
25 road Retirement Act and section 10(a) of the Railroad

1 Unemployment Insurance Act, from the accounts referred  
2 to in those sections.

3 SPECIAL MANAGEMENT IMPROVEMENT FUND

4 To effect management improvements, including the  
5 reduction of backlogs, accuracy of taxation accounting,  
6 and debt collection, \$659,000, to be derived from the rail-  
7 road retirement accounts and railroad unemployment in-  
8 surance account: *Provided*, That these funds shall supple-  
9 ment, not supplant, existing resources devoted to such op-  
10 erations and improvements.

11 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

12 For expenses necessary for the Office of Inspector  
13 General for audit, investigatory and review activities, as  
14 authorized by the Inspector General Act of 1978, as  
15 amended, not more than \$5,100,000, to be derived from  
16 the railroad retirement accounts and railroad unemploy-  
17 ment insurance account.

18 UNITED STATES INSTITUTE OF PEACE

19 OPERATING EXPENSES

20 For necessary expenses of the United States Institute  
21 of Peace as authorized in the United States Institute of  
22 Peace Act, \$6,500,000.

23 TITLE V—GENERAL PROVISIONS

24 SEC. 501. The Secretaries of Labor, Health and  
25 Human Services, and Education are authorized to transfer

1 unexpended balances of prior appropriations to accounts  
2 corresponding to current appropriations provided in this  
3 Act: *Provided*, That such transferred balances are used for  
4 the same purpose, and for the same periods of time, for  
5 which they were originally appropriated.

6 SEC. 502. No part of any appropriation contained in  
7 this Act shall remain available for obligation beyond the  
8 current fiscal year unless expressly so provided herein.

9 SEC. 503. (a) No part of any appropriation contained  
10 in this Act shall be used, other than for normal and recog-  
11 nized executive-legislative relationships, for publicity or  
12 propaganda purposes, for the preparation, distribution, or  
13 use of any kit, pamphlet, booklet, publication, radio, tele-  
14 vision, or film presentation designed to support or defeat  
15 legislation pending before the Congress, except in presen-  
16 tation to the Congress itself.

17 (b) No part of any appropriation contained in this  
18 Act shall be used to pay the salary or expenses of any  
19 grant or contract recipient, or agent acting for such recipi-  
20 ent, related to any activity designed to influence legislation  
21 or appropriations pending before the Congress.

22 SEC. 504. The Secretaries of Labor and Education  
23 are each authorized to make available not to exceed  
24 \$15,000 from funds available for salaries and expenses  
25 under titles I and III, respectively, for official reception

1 and representation expenses; the Director of the Federal  
2 Mediation and Conciliation Service is authorized to make  
3 available for official reception and representation expenses  
4 not to exceed \$2,500 from the funds available for “Sala-  
5 ries and expenses, Federal Mediation and Conciliation  
6 Service”; and the Chairman of the National Mediation  
7 Board is authorized to make available for official reception  
8 and representation expenses not to exceed \$2,500 from  
9 funds available for “Salaries and expenses, National Medi-  
10 ation Board”.

11 SEC. 505. Notwithstanding any other provision of  
12 this Act, no funds appropriated under this Act shall be  
13 used to carry out any program of distributing sterile nee-  
14 dles for the hypodermic injection of any illegal drug unless  
15 the Secretary of Health and Human Services determines  
16 that such programs are effective in preventing the spread  
17 of HIV and do not encourage the use of illegal drugs.

18 SEC. 506. (a) PURCHASE OF AMERICAN-MADE  
19 EQUIPMENT AND PRODUCTS.—It is the sense of the Con-  
20 gress that, to the greatest extent practicable, all equip-  
21 ment and products purchased with funds made available  
22 in this Act should be American-made.

23 (b) NOTICE REQUIREMENT.—In providing financial  
24 assistance to, or entering into any contract with, any en-  
25 tity using funds made available in this Act, the head of

1 each Federal agency, to the greatest extent practicable,  
2 shall provide to such entity a notice describing the state-  
3 ment made in subsection (a) by the Congress.

4 SEC. 507. When issuing statements, press releases,  
5 requests for proposals, bid solicitations and other docu-  
6 ments describing projects or programs funded in whole or  
7 in part with Federal money, all grantees receiving Federal  
8 funds, including but not limited to State and local govern-  
9 ments and recipients of Federal research grants, shall  
10 clearly state (1) the percentage of the total costs of the  
11 program or project which will be financed with Federal  
12 money, (2) the dollar amount of Federal funds for the  
13 project or program, and (3) percentage and dollar amount  
14 of the total costs of the project or program that will be  
15 financed by nongovernmental sources.

16 SEC. 508. None of the funds appropriated under this  
17 Act shall be expended for any abortion except when it is  
18 made known to the Federal entity or official to which  
19 funds are appropriated under this Act that such procedure  
20 is necessary to save the life of the mother or that the preg-  
21 nancy is the result of an act of rape or incest.

22 SEC. 509. Effective October 1, 1993, and applicable  
23 thereafter, and notwithstanding any other law, each State  
24 is and remains free not to fund abortions to the extent  
25 that the State in its sole discretion deems appropriate, ex-

1 cept where the life of the mother would be endangered if  
2 the fetus were carried to term.

3 SEC. 510. Notwithstanding any other provision of  
4 law—

5 (1) no amount may be transferred from an ap-  
6 propriation account for the Departments of Labor,  
7 Health and Human Services, and Education except  
8 as authorized in this or any subsequent appropria-  
9 tion act, or in the Act establishing the program or  
10 activity for which funds are contained in this Act;

11 (2) no department, agency, or other entity,  
12 other than the one responsible for administering the  
13 program or activity for which an appropriation is  
14 made in this Act, may exercise authority for the tim-  
15 ing of the obligation and expenditure of such appro-  
16 priation, or for the purposes for which it is obligated  
17 and expended, except to the extent and in the man-  
18 ner otherwise provided in sections 1512 and 1513 of  
19 title 31, United States Code; and

20 (3) no funds provided under this Act shall be  
21 available for the salary (or any part thereof) of an  
22 employee who is reassigned on a temporary detail  
23 basis to another position in the employing agency or  
24 department or in any other agency or department,

1 unless the detail is independently approved by the  
2 head of the employing department or agency.

3 SEC. 511. None of the funds made available in this  
4 Act may be used for—

5 (1) the creation of a human embryo or embryos  
6 for research purposes; or

7 (2) research in which a human embryo or em-  
8 bryos are destroyed, discarded, or knowingly sub-  
9 jected to risk of injury or death greater than that  
10 allowed for research on fetuses in utero under 45  
11 CFR 46.208(a)(2) and 42 U.S.C. 289g(b).

12 For purposes of this section, the phrase “human embryo  
13 or embryos” shall include any organism, not protected as  
14 a human subject under 45 CFR 46 as of the date of enact-  
15 ment of this Act, that is derived by fertilization, par-  
16 thenogenesis, cloning, or any other means from one or  
17 more human gametes.

18 SEC. 512. None of the funds made available in this  
19 Act may be used to carry out any Federal program, or  
20 to provide financial assistance to any State, when it is  
21 made known to the Federal official having authority to  
22 obligate or expend such funds that—

23 (1) such Federal program or State subject any  
24 health care entity to discrimination on the basis  
25 that—

1 (A) the entity refuses to undergo training  
2 in the performance of induced abortions, to pro-  
3 vide such training, to perform such abortions,  
4 or to provide referrals for such abortions;

5 (B) the entity refuses to make arrange-  
6 ments for any of the activities specified in sub-  
7 paragraph (A); or

8 (C) the entity attends (or attended) a post-  
9 graduate physician training program, or any  
10 other program of training in the health profes-  
11 sions, that does not (or did not) require or pro-  
12 vide training in the performance of induced  
13 abortions, or make arrangements for the provi-  
14 sion of such training; or

15 (2) in granting a legal status to a health care  
16 entity (including a license or certificate), or in pro-  
17 viding to the entity financial assistance, a service, or  
18 another benefit, such Federal program or State re-  
19 quire that the entity be an accredited postgraduate  
20 physician training program, or that the entity have  
21 completed or be attending such a program, if the ap-  
22 plicable standards for accreditation of the program  
23 include the standard that the program must require  
24 or provide training in the performance of induced



1        abortions, or make arrangements for the provision of  
2        such training.

3        SEC. 513. (a) CONGRESSIONAL FINDINGS REGARD-  
4        ING APPROPRIATE MINIMUM LENGTH OF STAY FOR ROU-  
5        TINE DELIVERIES.—The Congress finds that—

6            (1) the Guidelines for Perinatal Care of the  
7        American Academy of Pediatrics and the American  
8        College of Obstetricians and Gynecologists rec-  
9        ommend, when no complications are present, a  
10       postpartum hospital stay of 48 hours for vaginal de-  
11       livery and 96 hours for caesarean birth, excluding  
12       the day of delivery;

13           (2) the American College of Obstetricians and  
14        Gynecologists reports that it has become common for  
15        insurers to limit length of stay to up to 24 hours fol-  
16        lowing vaginal delivery and up to 72 hours following  
17        caesarean delivery, and the American College of Ob-  
18        stetricians and Gynecologists has received reports of  
19        insurers proposing limits of 12 hours, and in some  
20        cases 6 hours, for routine deliveries;

21           (3) the American Medical Association recently  
22        expressed concern about the trend toward increas-  
23        ingly brief perinatal hospital stays as routine prac-  
24        tice in the absence of adequate data to demonstrate  
25        the practice is safe;

1           (4) the American College of Obstetricians and  
2           Gynecologists has stated that the trend toward ear-  
3           lier discharge is “equivalent to a large, uncontrolled,  
4           uninformed experiment that may potentially affect  
5           the health of American women and their babies”;

6           (5) a recent study by Dartmouth-Hitchcock  
7           Medical Center found that within an infant’s first  
8           two weeks of life there is a 50 percent increased risk  
9           of readmission and 70 percent increased risk of  
10          emergency room visits if the infant is discharged at  
11          less than two days of age;

12          (6) studies have shown that early release of in-  
13          fants can result in jaundice, feeding problems, res-  
14          piratory difficulties, and infections of the cord, ears,  
15          and eyes;

16          (7) the American Medical Association has urged  
17          hospitals and insurance companies, in the absence of  
18          empirical data, to allow the perinatal discharge of  
19          mothers and infants to be determined by the clinical  
20          judgment of attending physicians not by economic  
21          considerations; and

22          (8) the American Medical Association rec-  
23          ommends that the decision regarding perinatal dis-  
24          charge should be made based on the criteria of medi-  
25          cal stability, delivery of adequate predischARGE edu-

1 cation, need for neonatal screening, and determina-  
2 tion that adequate feeding is occurring and with  
3 consideration of the mother's social and emotional  
4 needs and preferences.

5 (b) SENSE OF THE CONGRESS.—It is, therefore, the  
6 sense of Congress that—

7 (1) the Maternal and Child Health Bureau  
8 should promptly collaborate with other concerned  
9 national organizations to encourage well-designed  
10 studies, separating economic concerns from concerns  
11 about the health and well-being of mothers and chil-  
12 dren, to identify safe neonatal practices with regard  
13 to the hospital discharge of mothers and infants and  
14 establish appropriate medical care procedures during  
15 the perinatal period;

16 (2) decisions on how long mothers and  
17 newborns should stay in the hospital after delivery  
18 and before discharge should be made by doctors and  
19 patients together based on the medical and health  
20 care needs of the mother and newborn and not by  
21 hospitals, health insurers, health services organiza-  
22 tions, and health benefit plans based primarily on  
23 economic considerations; and

24 (3) until further empirical data are collected so  
25 as to indicate a need for change in current Guide-

1 lines, hospitals, health insurers, health services orga-  
2 nizations, and health benefit plans should abide by  
3 the current Guidelines for Perinatal Care of the  
4 American Academy of Pediatrics and the American  
5 College of Obstetricians and Gynecologists, that  
6 state that the general time for discharge for mother  
7 and baby should be at least 48 hours following un-  
8 complicated vaginal delivery and at least 96 hours  
9 following uncomplicated caesarian birth and that  
10 permit early discharge if specified criteria are met.

11 SEC. 514. LIMITATION ON USE OF FUNDS.—None  
12 of the funds made available in this Act may be used for  
13 the expenses of an electronic benefit transfer (EBT) task  
14 force.

15 SEC. 515. CPI INDEX.—None of the funds made  
16 available in this Act may be used by the Bureau of Labor  
17 Statistics to implement a change in the consumer price  
18 index (which is used to determine cost of living adjust-  
19 ments for such programs as social security) except when  
20 it is made known to the Federal official to whom the funds  
21 are made available that the House of Representatives and  
22 the Senate have authorized a change in such index based  
23 upon a comprehensive revision of the market basket.

24 SEC. 516. None of the funds made available in this  
25 Act may be used to enforce the requirements of section

1 428(b)(1)(U)(iii) of the Higher Education Act of 1965  
2 with respect to any lender when it is made known to the  
3 Federal official having authority to obligate or expend  
4 such funds that the lender has a loan portfolio under part  
5 B of title IV of such Act that is equal to or less than  
6 \$5,000,000.

7 SEC. 517. None of the funds made available in this  
8 Act may be used for grants to students at an institution  
9 of higher education under the Pell Grant program under  
10 subpart 1 of part A of the Higher Education Act of 1965  
11 when it is made known to the Federal official having au-  
12 thority to obligate or expend such funds that such institu-  
13 tion is ineligible to participate in a loan program under  
14 part B of title IV of such Act as a result of a default  
15 rate determination under section 435(a) of such Act.

16 SEC. 518.—The amount otherwise provided by this  
17 Act for “Corporation for National and Community Serv-  
18 ice—Domestic Volunteer Service Programs, Operating  
19 Expenses” is hereby increased by \$13,793,000.

20 SEC. 519. OTHER PROGRAMS.—In addition to  
21 amounts otherwise provided in this Act, for carrying out  
22 programs under the head “SCHOOL IMPROVEMENT PRO-  
23 GRAMS”; for carrying out programs under the head “VO-  
24 CATIONAL AND ADULT EDUCATION”, respectively,  
25 \$50,000,000 and \$100,000,000, to be derived from

1 amounts under the head “AGENCY FOR HEALTH CARE  
2 POLICY AND RESEARCH—HEALTH CARE POLICY AND RE-  
3 SEARCH”, \$60,000,000: *Provided*, That, notwithstanding  
4 any other provision in this Act, none of the funds under  
5 the head “AGENCY FOR HEALTH CARE POLICY AND RE-  
6 SEARCH—HEALTH CARE POLICY AND RESEARCH” shall be  
7 expended from the Federal Hospital Insurance and the  
8 Federal Supplementary Medical Insurance Trust Funds.

9 TITLE VI—POLITICAL ADVOCACY

10 PROHIBITION ON THE USE OF FEDERAL FUNDS FOR  
11 POLITICAL ADVOCACY

12 SEC. 601. (a) LIMITATIONS.—Notwithstanding any  
13 other provision of law, the following limitations apply to  
14 any grant which is made from funds appropriated under  
15 this or any other Act or controlled under any congressional  
16 authorization until Congress provides specific exceptions  
17 in subsequent Acts:

18 (1) No grantee may use funds from any grant  
19 to engage in political advocacy.

20 (2) No grant applicant, except an individual  
21 person, may receive any grant if its expenditures for  
22 political advocacy for any one of the previous five  
23 Federal fiscal years exceeded its prohibited political  
24 advocacy threshold (but no Federal fiscal year before  
25 1996 shall be considered). For purposes of this title,

1 the prohibited political advocacy threshold for a  
2 given Federal fiscal year is to be determined by the  
3 following formula:

4 (A) calculate the difference between the  
5 grant applicant's total expenditures made in a  
6 given Federal fiscal year and the total grants it  
7 received in that Federal fiscal year;

8 (B) for the first \$20,000,000 of the dif-  
9 ference calculated in (A), multiply by .05;

10 (C) for the remainder of the difference cal-  
11 culated in (A), multiply by .01;

12 (D) the sum of the products described in  
13 (B) and (C) equals the prohibited political ad-  
14 vocacy threshold.

15 (3) During any one Federal fiscal year in which  
16 a grantee, except an individual person, has posses-  
17 sion, custody or control of grant funds, the grantee,  
18 except an individual person, shall not use any funds  
19 (whether derived from grants or otherwise) to en-  
20 gage in political advocacy in excess of its prohibited  
21 political advocacy threshold for the prior Federal fis-  
22 cal year.

23 (4) No grantee may use funds from any grant  
24 to purchase or secure any goods or services (includ-  
25 ing dues and membership fees) from any other indi-

1       vidual, entity, or organization whose expenditures  
2       for political advocacy for the previous Federal fiscal  
3       year exceeded 15 percent of its total expenditures  
4       for that Federal fiscal year.

5           (5) No grantee may use funds from any grant  
6       for any purpose (including but not limited to extend-  
7       ing subsequent grants to any other individual, en-  
8       tity, or organization) other than to purchase or se-  
9       cure goods or services, except as specifically per-  
10      mitted by Congress in the law authorizing the grant.

11          (6) Any individual, entity, or organization that  
12      awards or administers a grant shall take reasonable  
13      steps to ensure that the grantee complies with the  
14      requirements of this title. Reasonable steps to en-  
15      sure compliance shall include written notice to a  
16      grantee that it is receiving a grant, and that the  
17      provisions of this title apply to the grantee.

18          (b) ENFORCEMENT.—The following enforcement pro-  
19      visions apply with respect to the limitations imposed under  
20      subsection (a):

21           (1) Each grantee shall be subject to audit from  
22      time to time as follows:

23           (A) Audits may be requested and con-  
24      ducted by the General Accounting Office or  
25      other auditing entity authorized by Congress,



1 including the inspector general of the Federal  
2 entity awarding or administering the grant.

3 (B) Grantees shall follow generally accept-  
4 ed accounting principles in keeping books and  
5 records relating to each grant and no Federal  
6 entity may impose more burdensome accounting  
7 requirements for purposes of enforcing this  
8 title.

9 (C) A grantee that engages in political ad-  
10 vocacy shall have the burden of proving, by  
11 clear and convincing evidence, that it is in com-  
12 pliance with the limitations of this section.

13 (2) Violations by a grantee of the limitations  
14 contained in subsection (a) may be enforced and the  
15 grant may be recovered in the same manner and to  
16 the same extent as a false or fraudulent claim for  
17 payment or approval made to the Federal Govern-  
18 ment pursuant to sections 3729 through 3812 of  
19 title 31, United States Code.

20 (3) Any officer or employee of the Federal Gov-  
21 ernment who awards or administers funds from any  
22 grant to a grantee who is not in compliance with  
23 this section shall—

24 (A) for knowing or negligent noncompli-  
25 ance with this section, be subjected to appro-

1           priate administrative discipline, including, when  
2           circumstances warrant, suspension from duty  
3           without pay or removal from office; and

4           (B) for knowing noncompliance with this  
5           section, pay a civil penalty of not more than  
6           \$5,000 for each improper disbursement of  
7           funds.

8       (c) DEFINITIONS.—For purposes of this title:

9           (1) POLITICAL ADVOCACY.—The term “political  
10          advocacy” includes—

11           (A) carrying on propaganda, or otherwise  
12           attempting to influence legislation or agency ac-  
13           tion, including, but not limited to monetary or  
14           in-kind contributions, endorsements, publicity,  
15           or similar activity;

16           (B) participating or intervening in (includ-  
17           ing the publishing or distributing of statements)  
18           any political campaign on behalf of (or in oppo-  
19           sition to) any candidate for public office, includ-  
20           ing but not limited to monetary or in-kind con-  
21           tributions, endorsements, publicity, or similar  
22           activity;

23           (C) participating in any judicial litigation  
24           or agency proceeding (including as an amicus  
25           curiae) in which agents or instrumentalities of

1 Federal, State, or local governments are par-  
2 ties, other than litigation in which the grantee  
3 or grant applicant: is a defendant appearing in  
4 its own behalf; is defending its tax-exempt sta-  
5 tus; or is challenging a government decision or  
6 action directed specifically at the powers, rights,  
7 or duties of that grantee or grant applicant;  
8 and

9 (D) allocating, disbursing, or contributing  
10 any funds or in-kind support to any individual,  
11 entity or organization whose expenditures for  
12 political advocacy for the previous Federal fiscal  
13 year exceeded 15 percent of its total expendi-  
14 tures for that Federal fiscal year.

15 (2) INFLUENCE LEGISLATION OR AGENCY AC-  
16 TION.—

17 (A) GENERAL RULE.—Except as otherwise  
18 provided in subparagraph (B), the term “influ-  
19 ence legislation or agency action” includes—

20 (i) any attempt to influence any legis-  
21 lation or agency action through an attempt  
22 to affect the opinions of the general public  
23 or any segment thereof, and

24 (ii) any attempt to influence any legis-  
25 lation or agency action through commu-

1           nication with any member or employee of  
2           a legislative body or agency, or with any  
3           government official or employee who may  
4           participate in the formulation of the legis-  
5           lation or agency action.

6           (B) EXCEPTIONS.—The term “influence  
7           legislation or agency action” does not include—

8                   (i) making available the results of  
9                   nonpartisan analysis, study, research, or  
10                  debate;

11                  (ii) providing technical advice or as-  
12                  sistance (where such advice would other-  
13                  wise constitute the influencing of legisla-  
14                  tion or agency action) to a governmental  
15                  body or to a committee or other subdivi-  
16                  sion thereof in response to a written re-  
17                  quest by such body or subdivision, as the  
18                  case may be;

19                  (iii) communications between the  
20                  grantee and its bona fide members with re-  
21                  spect to legislation, proposed legislation,  
22                  agency action, or proposed agency action  
23                  of direct interest to the grantee and such  
24                  members, other than communications de-  
25                  scribed in subparagraph (C);

1 (iv) any communication with a govern-  
2 mental official or employee; other than—

3 (I) a communication with a mem-  
4 ber or employee of a legislative body  
5 or agency (where such communication  
6 would otherwise constitute the influ-  
7 encing of legislation or agency action);  
8 or

9 (II) a communication the prin-  
10 cipal purpose of which is to influence  
11 legislation or agency action; and

12 (v) official communications by employ-  
13 ees of State or local governments, or by or-  
14 ganizations whose membership consists ex-  
15 clusively of State or local governments.

16 (C) COMMUNICATIONS WITH MEMBERS.—

17 (i) A communication between a grant-  
18 ee and any bona fide member of such orga-  
19 nization to directly encourage such member  
20 to communicate as provided in paragraph  
21 (2)(A)(ii) shall be treated as a (2)(A)(ii)  
22 communication by the grantee itself.

23 (ii) A communication between a  
24 grantee and any bona fide member of such  
25 organization to directly encourage such

1 member to urge persons other than mem-  
2 bers to communicate as provided in either  
3 clause (i) or (ii) of paragraph (2)(A) shall  
4 be treated as a communication described in  
5 paragraph (2)(A)(i).

6 (3) The term “legislation” includes the intro-  
7 duction, amendment, enactment, passage, defeat,  
8 ratification, or repeal of Acts, bills, resolutions, trea-  
9 ties, declarations, confirmations, articles of impeach-  
10 ment, or similar items by the Congress, any State  
11 legislature, any local council or similar governing  
12 body, or by the public in a referendum, initiative,  
13 constitutional amendment, recall, confirmation, or  
14 similar procedure.

15 (4) The term “grant” includes the provision of  
16 any Federal funds, appropriated under this or any  
17 other Act, or other thing of value to carry out a pub-  
18 lic purpose of the United States, except: the provi-  
19 sion of funds for acquisition (by purchase, lease or  
20 barter) of property or services for the direct benefit  
21 or use of the United States; the payments of loans,  
22 debts, entitlements; or the provision of funds to or  
23 distribution of funds by an Article I or III court and  
24 the provision of grant and scholarship funds to stu-  
25 dents for educational purposes.

1           (5) The term “grantee” includes any recipient  
2 of any grant. The term shall not include any state  
3 or local government, but shall include any recipient  
4 receiving a grant (as defined by subsection c(4))  
5 from a state or local government.

6           (6) The term “agency action” includes the defi-  
7 nition contained in section 551 of Title 5, United  
8 States Code, and includes action by state or local  
9 government agencies.

10          (7) The term “agency proceeding” includes the  
11 definition contained in section 551 of Title 5, United  
12 States Code, and includes proceedings by state or  
13 local government agencies.

14                           DISCLOSURE REQUIREMENTS

15          SEC. 602. (a) Not later than December 31 of each  
16 year, a grantee, except an individual person, shall provide  
17 (via either electronic or paper medium) to each Federal  
18 entity that awarded or administered its grant an annual  
19 report for the prior Federal fiscal year, certified by the  
20 grantee’s chief executive officer or equivalent person of au-  
21 thority, and setting forth: the grantee’s name, the grant-  
22 ee’s identification number, and—

23               (1) a statement that the grantee did not engage  
24 in political advocacy; or

25               (2) a statement that the grantee did engage in  
26 political advocacy, and setting forth for each grant—

1 (A) the grant identification number;

2 (B) the amount or value of the grant (in-  
3 cluding all administrative and overhead costs  
4 awarded);

5 (C) a brief description of the purpose or  
6 purposes for which the grant was awarded;

7 (D) the identity of each Federal, state and  
8 local government entity awarding or administer-  
9 ing the grant, and program thereunder;

10 (E) the name and grantee identification  
11 number of each individual, entity, or organiza-  
12 tion to whom the grantee made a grant;

13 (F) a brief description of the grantee's po-  
14 litical advocacy, and a good faith estimate of  
15 the grantee's expenditures on political advocacy;

16 (G) a good faith estimate of the grantee's  
17 prohibited political advocacy threshold.

18 (b) OMB COORDINATION.—The Office of Manage-  
19 ment and Budget shall develop by regulation one stand-  
20 ardized form for the annual report that shall be accepted  
21 by every Federal entity, and a uniform procedure by which  
22 each grantee is assigned one permanent and unique grant-  
23 ee identification number.

24 FEDERAL ENTITY REPORT

25 SEC. 603. Not later than May 1 of each calendar  
26 year, each Federal entity awarding or administering a



1 grant shall submit to the Bureau of the Census a report  
2 (standardized by the Office of Management and Budget)  
3 setting forth the information provided to such Federal en-  
4 tity by each grantee during the preceding Federal fiscal  
5 year, and the name and grantee identification number of  
6 each grantee to whom it provided written notice under sec-  
7 tion 1(a)(6). The Bureau of the Census shall make this  
8 database available to the public through the Internet.

9 PUBLIC ACCOUNTABILITY

10 SEC. 604. (a) Any Federal entity awarding a grant  
11 shall make publicly available any grant application, audit  
12 of a grantee, list of grantees to whom notice was provided  
13 under section 1(a)(6), annual report of a grantee, and that  
14 Federal entity's annual report to the Bureau of the Cen-  
15 sus.

16 (b) The public's access to the documents identified  
17 in section 4(a) shall be facilitated by placement of such  
18 documents in the Federal entity's public document reading  
19 room and also by expediting any requests under section  
20 552 of title 5, United States Code, the Freedom of Infor-  
21 mation Act as amended, ahead of any requests for other  
22 information pending at such Federal entity.

23 (c) Records described in section (a) shall not be sub-  
24 ject to withholding except under exemption (b)(7)(A) of  
25 section 552 of title 5, United States Code.

1 (d) No fees for searching for or copying such docu-  
2 ments shall be charged to the public.

3 SEVERABILITY

4 SEC. 605. If any provision of this title or the applica-  
5 tion thereof to any person or circumstance is held invalid,  
6 the remainder of this title and the application of such pro-  
7 vision to other persons and circumstances shall not be af-  
8 fected thereby.

9 FIRST AMENDMENT RIGHTS PRESERVED

10 SEC. 606. Nothing in this title shall be deemed to  
11 abridge any rights guaranteed under the first amendment  
12 of the United States Constitution, including freedom of  
13 speech, or of the press; or the right of the people peaceably  
14 to assemble, and to petition the Government for a redress  
15 of grievances.

16 TITLE VII—DEFICIT REDUCTION LOCK-BOX

17 SEC. 701. SHORT TITLE.—This title may be cited as  
18 the “Deficit Reduction Lock-box Act of 1995”.

19 SEC. 702. DEFICIT REDUCTION LOCK-BOX AC-  
20 COUNT.—(a) ESTABLISHMENT OF ACCOUNT.—Title III of  
21 the Congressional Budget Act of 1974 is amended by add-  
22 ing at the end the following new section:

23 “DEFICIT REDUCTION LOCK-BOX ACCOUNT

24 “SEC. 314. (a) ESTABLISHMENT OF AC-  
25 COUNT.—There is established in the Congressional  
26 Budget Office an account to be known as the ‘Defi-

1       cit Reduction Lock-box Account’. The Account shall  
2       be divided into subaccounts corresponding to the  
3       subcommittees of the Committees on Appropriations.  
4       Each subaccount shall consist of three entries: the  
5       ‘House Lock-box Balance’; the ‘Senate Lock-box  
6       Balance’; and the ‘Joint House-Senate Lock-box  
7       Balance’.

8               “(b) CONTENTS OF ACCOUNT.—Each entry in  
9       a subaccount shall consist only of amounts credited  
10      to it under subsection (c). No entry of a negative  
11      amount shall be made.

12             “(c) CREDIT OF AMOUNTS TO ACCOUNT.—(1)  
13      The Director of the Congressional Budget Office  
14      (hereinafter in this section referred to as the ‘Direc-  
15      tor’) shall, upon the engrossment of any appropria-  
16      tion bill by the House of Representatives and upon  
17      the engrossment of that bill by the Senate, credit to  
18      the applicable subaccount balance of that House  
19      amounts of new budget authority and outlays equal  
20      to the net amounts of reductions in new budget au-  
21      thority and in outlays resulting from amendments  
22      agreed to by that House to that bill.

23             “(2) The Director shall, upon the engrossment  
24      of Senate amendments to any appropriation bill,  
25      credit to the applicable Joint House-Senate Lock-

1       box Balance the amounts of new budget authority  
2       and outlays equal to—

3               “(A) an amount equal to one-half of the  
4               sum of (i) the amount of new budget authority  
5               in the House Lock-box Balance plus (ii) the  
6               amount of new budget authority in the Senate  
7               Lock-box Balance for that bill; and

8               “(B) an amount equal to one-half of the  
9               sum of (i) the amount of outlays in the House  
10              Lock-box Balance plus (ii) the amount of out-  
11              lays in the Senate Lock-box Balance for that  
12              bill, under section 314(c), as calculated by the  
13              Director of the Congressional Budget Office.

14              “(d) CALCULATION OF LOCK-BOX SAVINGS IN  
15       SENATEFor purposes of calculating under this sec-  
16       tion the net amounts of reductions in new budget  
17       authority and in outlays resulting from amendments  
18       agreed to by the Senate on an appropriation bill, the  
19       amendments reported to the Senate by its Commit-  
20       tee on Appropriations shall be considered to be part  
21       of the original text of the bill.

22              “(e) DEFINITION.—As used in this section, the  
23       term ‘appropriation bill’ means any general or spe-  
24       cial appropriation bill, and any bill or joint resolu-

1       tion making supplemental, deficiency, or continuing  
2       appropriations through the end of a fiscal year.”.

3       (b) CONFORMING AMENDMENT.—The table of con-  
4       tents set forth in section 1(b) of the Congressional Budget  
5       and Impoundment Control Act of 1974 is amended by in-  
6       serting after the item relating to section 313 the following  
7       new item:

8               “Sec. 314. Deficit reduction lock-box account.”

9       SEC. 703. TALLY DURING HOUSE CONSIDER-  
10      ATION.—There shall be available to Members in the House  
11      of Representatives during consideration of any appropria-  
12      tions bill by the House a running tally of the amendments  
13      adopted reflecting increases and decreases of budget au-  
14      thority in the bill as reported.

15      Sec. 704. DOWNWARD ADJUSTMENT OF 602(A) ALLO-  
16      CATIONS AND SECTION 602(B) SUBALLOCATIONS.—(a) AL-  
17      LOCATIONS.—Section 602(a) of the Congressional Budget  
18      Act of 1974 is amended by adding at the end the following  
19      new paragraph:

20              “(5) Upon the engrossment of Senate amend-  
21      ments to any appropriation bill (as defined in section  
22      314(d)) for a fiscal year, the amounts allocated  
23      under paragraph (1) or (2) to the Committee on Ap-  
24      propriations of each House upon the adoption of the  
25      most recent concurrent resolution on the budget for

1       that fiscal year shall be adjusted downward by the  
2       amounts credited to the applicable Joint House-Sen-  
3       ate Lock-box Balance under section 314(c)(2), as  
4       calculated by the Director of the Congressional  
5       Budget Office, and the revised levels of budget au-  
6       thority and outlays shall be submitted to each House  
7       by the chairman of the Committee on the Budget of  
8       that House and shall be printed in the Congressional  
9       Record.”.

10       (b) SUBALLOCATIONS.—Section 602(b)(1) of the  
11       Congressional Budget Act of 1974 is amended by adding  
12       at the end the following new sentence: “Whenever an ad-  
13       justment is made under subsection (a)(5) to an allocation  
14       under that subsection, the Director of the Congressional  
15       Budget Office shall make downward adjustments in the  
16       most recent suballocations of new budget authority and  
17       outlays under subparagraph (A) to the appropriate sub-  
18       committees of that committee in the total amounts of  
19       those adjustments under section 314(c)(2). The revised  
20       suballocations shall be submitted to each House by the  
21       chairman of the Committee on Appropriations of that  
22       House and shall be printed in the Congressional Record.”.

23       SEC. 705. PERIODIC REPORTING OF ACCOUNT  
24       STATEMENTS.—Section 308(b)(1) of the Congressional  
25       Budget Act of 1974 is amended by adding at the end the

1 following new sentence: “Such reports shall also include  
2 an up-to-date tabulation of the amounts contained in the  
3 account and each subaccount established by section  
4 314(a).”.

5       SEC. 706. DOWNWARD ADJUSTMENT OF DISCRE-  
6 TIONARY SPENDING LIMITS.—The discretionary spending  
7 limit for new budget authority for any fiscal year set forth  
8 in section 601(a)(2) of the Congressional Budget Act of  
9 1974, as adjusted in strict conformance with section 251  
10 of the Balanced Budget and Emergency Deficit Control  
11 Act of 1985, shall be reduced by the amount of the adjust-  
12 ment to the section 602(a) allocations made under section  
13 602(a)(5) of the Congressional Budget Act of 1974, as  
14 calculated by the Director of the Office of Management  
15 and Budget. The adjusted discretionary spending limit for  
16 outlays for that fiscal year, as set forth in such section  
17 601(a)(2), shall be reduced as a result of the reduction  
18 of such budget authority, as calculated by the Director of  
19 the Office of Management and Budget based upon pro-  
20 grammatic and other assumptions set forth in the joint  
21 explanatory statement of managers accompanying the con-  
22 ference report on that bill. Reductions (if any) shall occur  
23 upon the enactment of all regular appropriation bills for  
24 a fiscal year or a resolution making continuing appropria-  
25 tions through the end of that fiscal year. This adjustment

1 shall be reflected in reports under sections 254(g) and  
2 254(h) of the Balanced Budget and Emergency Deficit  
3 Control Act of 1985.

4 SEC. 707. EFFECTIVE DATE.—(a) IN GENERAL.—This  
5 title shall apply to all appropriation bills making appro-  
6 priations for fiscal year 1996 or any subsequent fiscal  
7 year.

8 (b) FY96 APPLICATION.—In the case of any appro-  
9 priation bill for fiscal year 1996 engrossed by the House  
10 of Representatives on or after the date this bill was en-  
11 grossed by the House of Representatives and before the  
12 date of enactment of this bill, the Director of the Congres-  
13 sional Budget Office, the Director of the Office of Man-  
14 agement and Budget, and the Committees on Appropria-  
15 tions and the Committees on the Budget of the House of  
16 Representatives and of the Senate shall, within 10 cal-  
17 endar days after that date of enactment of this Act, carry  
18 out the duties required by this title and amendments made  
19 by it that occur after the date this Act was engrossed by  
20 the House of Representatives.

21 (c) FY96 ALLOCATIONS.—The duties of the Director  
22 of the Congressional Budget Office and of the Committees  
23 on Budget and on Appropriations of the House of Rep-  
24 resentatives pursuant to this title and the amendments  
25 made by it regarding appropriation bills for fiscal year



1 1996 shall be based upon the revised section 602(a) alloca-  
 2 tions in effect on the date this Act was engrossed by the  
 3 House of Representatives.

4 (d) DEFINITION.—As used in this section, the term  
 5 “appropriation bill” means any general or special appro-  
 6 priation bill, and any bill or joint resolution making sup-  
 7 plemental, deficiency, or continuing appropriations  
 8 through the end of a fiscal year.

9 This Act may be cited as the “Departments of Labor,  
 10 Health and Human Services, and Education, and Related  
 11 Agencies Appropriations Act, 1996”.

Passed the House of Representatives August 4 (leg-  
 islative day, August 3), 1995.

Attest:

ROBIN H. CARLE,

*Clerk.*

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HR 2127 RFS——3

HR 2127 RFS——4

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